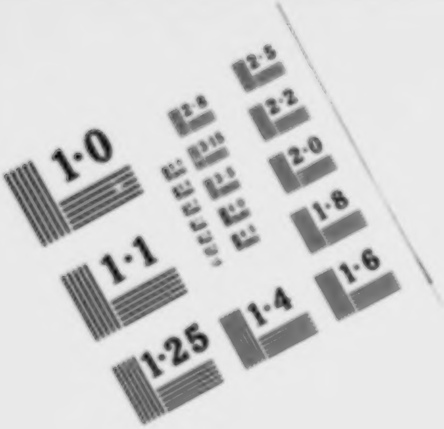
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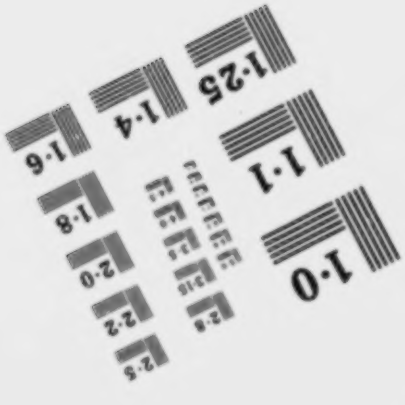
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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

LOCAL BANKRUPTCY RULES

EFFECTIVE: January 1991

"as corrected April, 1991"

Ju 14.6:

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APPENDIX IV 90.2

PART I: GENERAL PROVISIONS

RULE 101. SHORT TITLE, APPLICABILITY AND DEFINITIONS.

(1) SHORT TITLE.

These rules may be cited as the "Local Bankruptcy Rules."

(2) APPLICABILITY.

These rules apply to all bankruptcy cases and proceedings (including all cases removed pursuant to 28 U.S.C. § 1452 or 15 U.S.C. § 78eee) pending in the Bankruptcy Court for the Central District of California and in the United States District Court for the Central District of California when the District Court is exercising its original bankruptcy jurisdiction pursuant to 28 U.S.C. § 1334 or its appellate bankruptcy jurisdiction pursuant to 28 U.S.C. § 158. The Local Bankruptcy Rules shall apply therein in lieu of the Local Rules of the District Court and shall be applied uniformly throughout this District unless otherwise ordered by the Court in a particular matter.

(3) APPLICABILITY OF RULES TO PERSONS APPEARING WITHOUT ATTORNEYS.

Persons appearing pro se are bound by these rules, and any reference in these rules to "attorney" or "counsel" applies to parties pro se unless the context otherwise requires.

(4) DEFINITIONS.

Unless the context requires otherwise, as used in these Local Bankruptcy Rules:

(a) "Appellate Court" shall mean the Bankruptcy Appellate Panel or the District Court exercising its appellate jurisdiction pursuant to 28 U.S.C. § 158;

(b) "Application". See "Motion". Papers should be captioned "applications" only where the Bank.Rules expressly provide that a request for judicial action shall be made by "application."

(c) "Attorney" or "counsel" includes attorney, proctor, advocate, solicitor, counsel, or counselor;

(d) "Bank.Rules" means the Rules of Practice and Procedure in Bankruptcy as adopted by the Supreme Court of the United States;

(e) "Brief" includes briefs, memoranda, points and authorities and other written argument or compilation of authorities;

(f) "Case" is a bankruptcy case commenced by the filing of a petition pursuant to 11 U.S.C. § 301, 302, 303 or 304;

(g) "Clerk" means the Clerk of the Bankruptcy Court for the Central District of California and deputy clerks. Where the reference is to a different clerk, it will be specified in the text;

(h) "Court" means the Bankruptcy Court of the Central District of California or the District Court when exercising its original bankruptcy jurisdiction pursuant to 11 U.S.C. § 1334 and includes the Judge to whom the case or proceeding has been assigned;

(i) "Courtroom Deputy" means a deputy clerk assigned to the courtroom of a judge of the Court;

(j) "Declaration" includes any declaration under penalty of perjury executed in conformance with 28 U.S.C. § 1746, and any properly executed affidavit;

(k) "Defendant" means any party against whom a claim for relief is made by complaint, counterclaim or cross-claim;

(l) "District Court" means the United States District Court for the Central District of California;

(m) "F.R.App.P." means the Federal Rules of Appellate Procedure;

(n) "F.R.Civ.P." means the Federal Rules of Civil Proçedure;

(o) "F.R.Evid." means the Federal Rules of Evidence;

(p) "File" means the delivery to and acceptance by the Clerk, Courtroom Deputy, the Court or other person authorized by the Court, of a document which will be noted in the docket;

(q) "Judge" refers to a Bankruptcy Judge, District Court Judge or other judicial officer in a case or proceeding assigned to the Court;

(r) "Lodge" means to deliver to the Clerk, Courtroom Deputy, the Court or other person authorized by the Court a document which is tendered to the Court but is not approved for filing, e.g., a proposed form of order;

(s) "Motion" includes all motions, applications, or other requests made for judicial action except by complaint, counterclaim or cross-claim;

(t) "Movant" means any entity requesting an order other than by way of complaint, counterclaim or cross-claim;

(u) "Papers" means all pleadings, motions, affidavits, declarations, briefs, points and authorities, and all other papers and documents presented for filing or lodging but shall exclude exhibits submitted during a hearing or trial;

(v) "Plaintiff" means any party claiming affirmative relief by complaint, counterclaim or cross-claim;

(w) "Proceeding" includes motions, adversary proceedings, contested matters and other matters presented to the Court. It does not include the "case" as defined above;

(x) "Respondent" means any entity responding to a request for an order other than by way of complaint, counterclaim or cross-complaint;

(y) "U.S. Trustee Guidelines" refers to the "Guidelines for Fulfilling the Requirements of the United States Trustee" and the "Notice of Requirements for Debtors In Possession in Chapter 11 Cases";

(5) RULES OF CONSTRUCTION.

(a) Gender; Plurals. Wherever applicable, each gender includes the other gender and the singular includes the plural.

(b) Terms Not Otherwise Defined. Terms used in the Local Bankruptcy Rules that are not herein defined will have the meanings provided in the Bankruptcy Code and the Bank.Rules.

(c) References to Rules and Statutes. Any reference in the Local Bankruptcy Rules to sections or rules shall include any amendments or successors thereto.

RULE 102. ATTORNEYS.

(1) APPEARANCE BEFORE THE COURT.

(a) By Attorney. Except as set forth below, appearance before the Court on behalf of a person or entity may be made only by an attorney admitted to the bar of, or permitted to practice before, the District Court. Attorneys appearing before the Court are required to have read the Bank.Rules and the Local Bankruptcy Rules in their entirety.

(b) Scope of Appearance. An attorney may appear before the Court in a case:
  (i) only for such matters as concern the administration of the case;
  (ii) only for one or more proceedings in the case; or
  (iii) for the case and all proceedings in the case.

In chapter 9, 11, 12 and 13 cases, the attorney for the debtor is presumed to appear for the case and all proceedings in the case, unless otherwise ordered by the Court.

(c) Disclosure of Scope of Appearance in Chapter 7 Cases. In a chapter 7 case, the attorney for the debtor shall file a statement disclosing the scope of the attorney's appearance on the date of the entry of the Order for Relief or if the attorney has not been employed by such date then no later than the date of the first appearance made by the attorney.

(d) Form of Statement. The statement required by Local Bankruptcy Rule 102(1)(c) shall be on such form as is approved by the Court and shall be signed by the debtor.

(2) PRO HAC VICE APPEARANCE.

(a) Permission Pro Hac Vice. Any person who is not otherwise eligible for admission to practice before the Court, but who is a member in good standing of, and eligible to practice before, the bar of any United States Court, or of the highest court of any State, Territory, or Insular Possession of the United States, who is of good moral character, and who has been retained to appear before the Court, may, upon written motion and in the discretion of the Court, be permitted to appear and participate pro hac vice in a particular case or in a particular proceeding in a case.

Permission to appear pro hac vice in the Bankruptcy Court does not include permission to appear before the District Court. Separate permission must be obtained therefor from the District Court.

(b) Disqualification From Pro Hac Vice Appearance.

Unless authorized by the Constitution of the United States or Act of Congress, a movant is not eligible for permission to practice pro hac vice if the movant:
(i) resides in California; or
(ii) is regularly employed in California; or
(iii) is regularly engaged in business, professional, or other similar activities in California.

(c) Designation of Local Counsel.

The person moving to appear pro hac vice is required to designate an attorney who is a member of the Bar of the Court and who maintains an office within this District as local counsel with whom the Court and opposing counsel may readily communicate regarding the conduct of the case and upon whom papers may be served, unless otherwise ordered by the Court.

(d) Designation of Co-Counsel.

A Judge to whom a case is assigned may, in the exercise of discretion, require the designation of an attorney who is a member of the Bar of the Court and who maintains an office within this District as co-counsel with authority to act as attorney of record for all purposes.

(e) Obtaining Permission for Pro Hac Vice Appearance.

Each movant for permission to appear pro hac vice shall present to the Clerk a written motion containing the following:

(i) The movant's name, residence and office address;

(ii) The courts to which the movant has been admitted to practice and the respective dates of admission;

(iii) A statement by the movant of the good standing to practice before the courts to which the movant has been admitted;

(iv) Whether the movant has been disciplined by any court or administrative body, and if disciplinary proceedings are pending, the details of such proceeding, and whether the movant resigned while disciplinary proceedings were pending;

(v) Whether in the three years preceding the application, the movant has filed for permission to practice pro hac vice before any court within the State of California, together with the court, title and number of each such proceeding and the disposition of each such application;

(vi) A certificate that the movant has read the Local Bankruptcy Rules, the Bank.Rules, the F.R.Civ.P., and the F.R.Evid., in their entirety; and

(vii) The designation required by Local Bankruptcy Rule 102(2)(c) or 102(2)(d) including the office address, telephone number and written consent of the designee.

No notice or hearing is required on such motions.

(3) ATTORNEYS FOR THE UNITED STATES.

Any person who is not eligible for admission under Local Bankruptcy Rule 102(2), or Local Rules 2.2.1 or 2.2.3 of the District Court, who is employed within the state and who is a member in good standing of and eligible to practice before the bar of any United States Court, or of the highest court of any State, Territory or Insular Possession of the

United States, and who is of good moral character, may be granted leave of court to practice in the Court in any matter for which such person is employed or retained by the United States or its agencies.

(4) PROFESSIONAL CORPORATIONS AND UNICORPORATED LAW FIRMS.

(a) Appearance. Other than pro se appearances on behalf of the attorney or his or her professional corporation or law firm, no appearance may be made on behalf of another party by and no pleadings or other documents may be signed in the name of any professional law corporation or unincorporated law firm (both hereinafter referred to as "law firm") except by an attorney admitted to the Bar of or permitted to practice before the Court.

(b) Form of Appearance. A law firm shall appear in the following form of designation or its equivalent:

John Smith
Smith and Jones
Attorneys for Plaintiff

(5) JURISDICTION OF COURT TO ENFORCE STANDARDS OF PROFESSIONAL CONDUCT.

Any attorney who appears for any purpose submits to the discipline of the Court with respect to conduct of the case or proceeding and shall be subject to the standards of professional conduct as set forth in Local Rule 2.5 of the District Court.

(6) WITHDRAWAL AND SUBSTITUTION OF ATTORNEYS

(a) In General. Except as otherwise provided in Local Bankruptcy Rule 102(6)(b), Local Bankruptcy Rule 180 and Appendix II governing chapter 13 cases, whenever an attorney has appeared on behalf of an entity in any matter concerning the administration of the case, in one or more proceedings, or both: (i) the attorney may not withdraw; and (ii) the entity may not thereafter appear pro se or by a different attorney prior to approval by the Court of a motion considered after notice and a hearing.

(b) Consensual Substitutions of Counsel. If the entity on whose behalf an attorney has appeared in any matter concerning the administration of the case, in one or more proceedings, or both, desires to substitute a different attorney in place of its former attorney, or a previously unrepresented entity desires to employ an attorney, no order shall be required. Notice of Substitution of Attorney shall be filed and served on those persons entitled to notice as specified in Local Bankruptcy Rule 102(6)(c). Substitution of counsel shall not result in a continuance of any matter, except upon a noticed motion for continuance pursuant to Local Bankruptcy Rule 114.

(c) Extent of Notice

(i) Case. If the attorney to be substituted out or the attorney seeking to withdraw has appeared on behalf of an entity in any matter concerning the administration of the case, notice of the proposed substitution or the motion for leave to withdraw shall be given to the debtor, the United States Trustee, any trustee, any committee which may have been appointed pursuant to the Bankruptcy Code, and any entity who has requested special notice.

(ii) Proceedings. If the attorney to be substituted out or the attorney seeking to withdraw has appeared on behalf of an entity only in one or more proceedings, notice of the proposed substitution or the motion for leave to withdraw shall be given to the debtor, parties who have been named or who have appeared in such proceeding(s), and the United States Trustee.

(iii) Cases And Proceedings. If the attorney to be substituted out or the attorney seeking to withdraw has appeared on behalf of an entity both in the case and one or more proceedings, notice of the proposed substitution or the motion for leave to withdraw shall be given to all entities entitled to notice under both (i) and (ii) of this Local Bankruptcy Rule.

(d) Required Disclosures.

(i) Consequences Of Withdrawal. An attorney moving for leave to withdraw from representation of a corporation, partnership or other unincorporated association, concurrently or prior to filing any such motion, shall give notice to the corporation or unincorporated association of the consequences of its inability to appear pro se, including the possibility that a default judgment may be entered against it in pending proceedings; or, if the client is a debtor, its chapter 11 case may be converted to chapter 7, a chapter 11 trustee may be appointed, or its case may be dismissed.

(ii) Delays. Unless good cause is shown and the ends of justice require, no substitution or withdrawal will be allowed that will cause unreasonable delay in prosecution of the case or proceeding to completion.

(e) Required Approval For Employment. In all situations where the attorney who is withdrawing or being substituted out was required to be approved for employment pursuant to 11 U.S.C. §§ 327 or 1103, any new attorney must also comply with Bank.Rule 2014 and the U.S. Trustee Guidelines, and may not be appointed merely by a Notice of Substitution of Attorney and Order thereon.

(7) PERSONS APPEARING WITHOUT AN ATTORNEY; PRO SE LITIGANTS.

(a) Corporation, Partnership or Unincorporated Association. A corporation, partnership or unincorporated association may not file a petition or otherwise appear pro se in any case or proceeding, except that it may file a proof of claim, file or appear in support of an application for professional compensation, or file a reaffirmation agreement, if signed by an authorized officer or agent of the corporation, or an authorized member or agent of the unincorporated association.

(b) Individuals. Any person representing himself or herself without an attorney must appear personally for such purpose. The representation may not be delegated to any other person, including a spouse or relative, nor to any other party.

(c) Compliance with Rules. Any person appearing *pro se* will be required to comply with the Local Bankruptcy Rules, the F.R.Civ.P., F.R.Evid., F.R.App.P. and Bank.Rules. Failure to comply may be grounds for dismissal, conversion, appointment of a trustee or an examiner, or judgment by default, or other appropriate sanctions.

(8) RESTRICTIONS ON EX PARTE COMMUNICATIONS WITH THE JUDGE.

Attorneys or parties to any case or proceeding shall comply with Bank.Rule 9003.

RULE 103 FORM OF PAPERS FILED WITH COURT.

(1) SIGNATURE OF COUNSEL.

(a) In General. All attorneys shall comply with Bank.Rule 9011(a). The name of the person signing a Paper shall be clearly typed below the signature line.

(b) State Bar Number. On all petitions pursuant to 11 U.S.C. §§ 301 and 302 filed by an attorney on behalf of any party and on such otner Papers as the Clerk may require, the attorney's state bar identification number shall appear together with the attorney's name, address and telephone number in the upper left-hand corner of the first page of the petition.

(2) COMPLIANCE.

No Paper may be filed by the Clerk which does not comply with the Local Bankruptcy Rules, unless waiver is first obtained from the Court or the Clerk. All Papers that comply with the Bank. Rules and these Local Bankruptcy Rules delivered for filing to the Clerk shall be accepted. A Paper that is delivered for filing to the Clerk but not accepted, or accepted and later rejected, shall be endorsed by the Clerk "Received and Returned," and shall note the date and time received, as well as the initials of the deputy clerk returning the Paper.

(3) BANKRUPTCY COVER SHEETS.

(a) Bankruptcy Petition Cover Sheet. All petitions presented to the Clerk for filing shall be accompanied by a Bankruptcy Petition Cover Sheet (B-103), completed and signed by the attorney or party presenting the petition. All items, including the description of the nature of the business, if applicable, must be provided.

(b) Bankruptcy Cover Sheet. All complaints presented to the Clerk for filing shall be accompanied by a Bankruptcy Cover Sheet (B-104), completed and signed by the attorney or party presenting the complaint.

(4) PAPERS PRESENTED TO THE COURT - FORM AND FORMAT.

(a) Legibility. All Papers shall be typewritten or printed if prepared by hand, or prepared by a photocopying or other duplicating process that will produce clear and permanent copies equally legible to printing, in black or dark blue ink. The typeface shall not be smaller than pica size, with not more than ten typed characters per inch.

(b) Paper. This Local Bankruptcy Rule shall apply unless otherwise expressly provided elsewhere in the Local Bankruptcy Rules. The original of all Papers shall be submitted on opaque, unglazed, white paper of standard quality not less than 13-pound weight. The paper shall be 8 1/2 x 11 inches, numbered on the left margin with not more than 28 lines per page. The lines on each page shall be numbered consecutively with line 1 beginning at least one inch below the top edge of the paper. Only one side of the paper will be used.

(c) Pagination. All Papers shall be numbered consecutively at the bottom of each page, including any attached exhibits.

(d) Original - Copies. The original of a Paper shall be labeled as the original and, except for exhibits, shall consist entirely of the original pages, except that a telecopy of all or part of a Paper (or copy of such telecopy) may be filed and served instead of the original of the Paper, provided that the original of the Paper is filed at or before the hearing to which the Paper relates, together with a caption page indicating that the original supersedes the telecopy. All copies must be marked "copy".

(e) Interlineations. There shall be no interlineations allowed on a Paper unless they are noted by the Clerk or the Judge by marginal initials at the time of the filing.

(f) Pre-Punching and Backing of Papers. All Papers presented for filing or lodging shall be pre-punched with two normal-size holes (approximately 1/4" diameter), centered 2-3/4 inches apart, 1/2 to 5/8 inches from the top edge of the document. The original of all Papers shall be firmly bound with one staple in the upper left hand corner, when possible, and backed, except that the following Papers do not require backing:

(i) proofs of claim,

(ii) single-page documents (including two-sided forms) filed by a trustee in a case, the Standing Chapter 13 Trustee, or the United States Trustee, provided that these single-page documents are printed or photocopied on colored paper.

(iii) the Bankruptcy Cover Sheets required by subsection (3) of this Rule.

The backing must be even with the top of the paper and not folded over the top edge. The backing shall extend not more than one inch below the pages bound and have the short title of the document typed in the lower right hand corner. Any copies of Papers required to be filed or lodged need not be backed. The courtesy copy for the judge may, but need not, be backed.

(g) Spacing. Except as provided herein, the typing or printing on Papers shall be double-spaced, including citations. Footnotes may be single-spaced. The description of real property may be single-spaced. Quotations from cited cases or other authorities shall be clearly indented not less than five spaces or more than 20 spaces and may be single-spaced.

(h) Title Page. The first page of all Papers presented shall include:

(i) The name, office address (or residence address if no office is maintained), which address shall include the street address in addition to any post office box, and the telephone number of the attorney presenting the Paper shall be placed commencing with line 1 at the left margin. Immediately beneath, the party on whose behalf the Paper is presented shall be identified. All this information shall be single-spaced.

(ii) The space between lines 1 and 7 to the right of the center of the page shall be left blank for use by the Clerk.

(iii) The title of the Court shall be centered on or below line 8.

(iv) The names of the parties shall be placed below the title of the Court and to the left of center, and single-spaced. If the parties are too numerous, the names may be continued on the second or successive pages in the same space. In all Papers after the initial pleadings, only the names of the first-named party on each side shall appear.

(v) The docket number (bankruptcy case number) of the case shall be placed to the right of the center of the page and immediately opposite the names of the parties on the first page. Immediately below the docket number shall appear the chapter number of the case except in Bankruptcy Act cases. Immediately below the docket number and chapter number shall appear the Adversary number or Reference number (if such has been assigned). On the first page immediately below the Adversary or Reference number or the caption, there shall be a concise description of the nature of the Paper (e.g., Notice of Motion for Summary Judgment, Complaint To Determine Dischargeability of Debt). Where possible, the proponent's name should be included in the title of the document (e.g., Creditor ABC's Motion to Dismiss). Immediately below the description shall appear the time, date and place of the hearing on the matter to which the paper is addressed or, if appropriate, that no hearing is required or that a hearing will be scheduled by the Court. All information required in this paragraph (v) shall always appear on the first page of the Paper.

(i) Double Captions: Relief From Stay Motions and Adversary Proceedings. Motions for relief from stay shall bear 'double captions' in substantially the following format:

In re ABC,	)	Case No.
	)	Chapter ___
Debtor.	)	Ref. No.[chapter 11 cases only]
________________	)	
	)	
XYZ Co.,	)	MOTION FOR RELIEF FROM STAY
Movant,	)	
	)	
vs.	)	Date:
ABC,	)	Time:
Respondent.	)	Place:

In chapter 11 cases only, a reference number will be assigned by the Clerk's office upon the filing of the motion and shall appear on all subsequent papers relating to the motion.

Complaints and all other papers filed in adversary proceedings shall bear "double captions" in substantially the following format:

	)	
In re ABC,	)	Case No.________
Debtor	)	Chapter __
	)	
____________________	)	
	)	
	)	Adv. No._________
XYZ Co.,	)	
Plaintiff	)	COMPLAINT TO
	)	DETERMINE DEBT TO BE
vs.	)	NONDISCHARGEABLE
	)	
ABC,	)	
Defendant	)	(Hearing date to be
	)	set by summons)

(j) Pre-Printed Forms. The provisions of this Local Bankruptcy Rule shall not prevent the use of printed forms provided by the Clerk, the United States Trustee, the Administrative Office of the United States Courts, or otherwise approved for use in the Court pursuant to Local Bankruptcy Rule 138. The use of approved forms is encouraged whenever possible. All forms must be printed on one side of the paper only. Two-sided forms will not be accepted, except single page forms submitted by chapter 7, 12 or 13 trustees or the United States Trustee, and court-approved forms for summons, notice of motion for relief from stay, and subpoena.

(k) Tabs. Each declaration, exhibit, or other attachment to a Paper shall be separately tabbed on both the original and the Judge's copy filed with the Court.

(5) COPIES.

(a) In General. All Papers shall be filed with one clear, conformed and legible copy for use by the Judge which copies may, but need not be backed. If the copy is a carbon, it must be the first carbon and clearly legible.

(b) Petitions, Lists, Schedules and Statements. The number of Papers required to be filed by Bank.Rules 1002 and 1007 shall be as follows:

(i) Chapters 7, 12 and 13: An original and three copies shall be filed. If the petition requests relief under subchapter III of chapter 7 (Stockbroker Liquidation), the Clerk shall transmit one copy to the Securities Investor Protection Corporation. If the petition requests relief under subchapter IV of chapter 7 (Commodity Broker Liquidation), the Clerk shall transmit one copy to the Commodity Futures Trading Commission.

(ii) Chapters 9 and 11: An original and six copies shall be filed in all chapter 9 and

11 cases, except for chapter 11 cases under subchapter IV which shall require an original and seven copies. The Clerk shall transmit: one copy each to the United States Trustee, the Securities and Exchange Comm. at 901 Market Street, Ste. 470, San Francisco, CA 94103 (all chapter 9 and corporate petitions) and the Special Procedures/Bankruptcy Section of the Internal Revenue Service at the addresses specified in Local Bankruptcy Rule 105(5)(c) for the District; and in a chapter 9 case, one copy to the Secretary of State of the state in which the debtor is located. If the filed papers disclose a stock interest held by the United States in a chapter 11 case, one additional copy must be filed, which the Clerk shall transmit to the Secretary of the Treasury in Washington, D.C. For petitions under subchapter IV of chapter 11, two additional copies shall be filed, which the Clerk shall transmit to the Special Counsel, United States Department of Transportation, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590

(c) Conformed Copies. Copies filed with the Court shall be conformed to the original, including either photocopies of fully executed signature pages, or unsigned signature pages that bear a facsimile-stamped signature or a notation that the original was signed. Conformed copies shall be identical to the original in content, pagination, additions, deletions, and interlineations.

(d) Request for Court Conformed Copy. A maximum of three copies will be conformed by the Clerk's office to show filing or lodging. Copies to be conformed by the Clerk's office may consist of either the entire Paper or only the first page of the filed Paper. The Clerk's office is not responsible for verifying that any copy presented for conforming is a true and correct copy.

(6) EXHIBITS TO PAPERS.

(a) Exhibits Attached to Papers. Unless the physical nature of the exhibit makes it impracticable, an exhibit shall be securely fastened to the Paper to which it relates. The exhibit shall be so attached that it will be easily readable without detaching the exhibit from the principal Paper.

(b) Numbering. Unless compliance is impracticable, exhibits shall be identified at the bottom of each page, consecutively to the principal Paper. For example, if the pleading contains five pages and attaches three exhibits of five pages each, the pages would be numbered 1 through 20 consecutively. The exhibit identification shall be placed immediately above or below the page number on each page of the exhibit; exhibits shall be tabbed in sequential order on both the original and copy filed with the Court. Whenever feasible, exhibits of plaintiffs or movants shall be marked with numbers, and exhibits of defendants or respondents shall be marked with letters.

(c) Size of Paper. Exhibits shall not exceed 8 1/2 x 11 inches in size whenever practicable. Larger exhibits shall be folded in such a manner as not to exceed 8 1/2 x 11 inches. An exhibit smaller than 8 1/2 x 11 inches shall be attached to an 8 1/2 x 11 inch sheet.

(7) PETITIONS

(a) Debtor's Address. In all petitions filed pursuant to 11 U.S.C. §§ 301,302, 303, or 304, the debtor's actual street address must be used, in addition to any post office box addresses.

(b) Emergency ("Face Sheet") Petitions. Even though Bank. Rule 1007 allows a voluntary petition to be filed without complete schedules and statement of affairs, the papers filed with the petition must include the following:

1. Bankruptcy Petition Cover Sheet
2. Petition

3. Statement of Previously Filed or Related Cases with Unsworn Declaration
4. Notice of Available Chapters (except in Chapter 11 cases)
5. Attorney's Statement re available chapters
6. List of creditors
7. Master Mailing List
8. If Debtor is a corporation, Exhibit "A" of Official Form #1

Unless extended by court order, the rest of the required Papers must be filed within 15 days, or the case may be dismissed. The papers to complete the filing include the following:

1. Schedules
2. Statement of Affairs
3. Statement of Current Income and Expenditures
4. Disclosure of Attorney Fees
5. Statement of Intent (Section 521)

(8) PLEADINGS IN ADVERSARY PROCEEDINGS.

(a) Jurisdiction Allegations. In all adversary proceedings, the statement required by Bank.Rules 7008(a) and 7012 shall be plainly stated in the first numbered paragraph of any Paper.

(b) Amended Pleadings.

(i) An original and one copy of the proposed amended pleading shall be lodged as a separate document and served with any notice of motion or stipulation to amend a pleading.

(ii) Every amended pleading filed as a matter of right or allowed by order of Court shall be complete including exhibits. The amended pleading shall not incorporate by reference the prior superseded pleading.

(iii) No pleading will be deemed amended until compliance with this Local Bankruptcy Rule and Bank.Rule 7015 regarding amended pleadings is effected, unless otherwise ordered by the Court.

(iv) Unless otherwise ordered, an amended pleading allowed by order of Court shall be deemed served upon the parties who have previously appeared, on the date the motion to amend is granted or the stipulation therefor is approved, provided the proposed amended pleading was attached to the motion or stipulation as required. Otherwise, actual service is required. Service of amended pleadings on a party who has not previously appeared shall be made as provided in Local Bankruptcy Rule 105.

(9) CITATIONS.

(a) Acts of Congress. All citations to Acts of Congress shall include a parallel citation to the United States Code by title and section.

(b) Regulations. All citations to federal regulations shall include a citation to the Code of Federal Regulations by title and section, and the date of promulgation of the regulation.

(c) Cases. Initial citation of any United States Supreme Court cases shall include parallel citations to United States Reports, and Supreme Court Reporter. Federal Reporter, Federal Supplement or Federal Rules Decisions citations shall be used where available. Initial state court citations shall include both the official reports and any regional reporter published by West Publishing Company. California parallel citations may be limited to the official reports and California Reporter. Citation to bankruptcy cases shall be to West's Bankruptcy Reporter, where available. Where a Bankruptcy Reporter citation is not available, the party citing the case must provide the Court with an unmarked copy of the case.

(10) POINTS AND AUTHORITIES - BRIEFS

(a) Length. No Brief shall exceed 35 pages in length, excluding indices and exhibits, unless permitted by order of the Court.

(b) Appendices. Appendices shall not include any matters which properly belong in the body of the Brief.

(c) Table of Contents and Table of Authorities. Any Brief exceeding ten pages in length, excluding exhibits, shall be accompanied by an indexed table of contents setting forth the headings or subheadings contained in the body thereof, and by an indexed table of the cases, statutes, rules, and other authorities cited.

(11) STIPULATIONS.

Oral stipulations affecting the progress of a case or proceeding will be enforceable by the Court if made and approved in open Court. Written stipulations affecting the progress of the case or proceeding shall be filed with the Court in the form provided by Local Bankruptcy Rule 116, and will not be effective until approved by the Judge.

(12) DEMAND FOR JURY TRIAL.

A party may demand a jury trial as provided in F.R.Civ.P. 38(b). If the demand for jury trial is included in a pleading, it shall be set forth at the end thereof and be signed by the attorney for the party making the demand. The caption of such a pleading shall also contain the following: "DEMAND FOR JURY TRIAL."

Marking the Bankruptcy Cover Sheet (B-104) shall not be deemed a sufficient demand to comply with F.R.Civ.P. 38(b), or with this Local Bankruptcy Rule.

Nothing contained in this Local Bankruptcy Rule shall be deemed to create or imply a right to a jury trial where no such right exists under applicable laws.

RULE 104 ASSIGNMENT OF CASES AND PROCEEDINGS; RELATED CASES

(1) ASSIGNMENT OF CASES.

(a) Cases commenced in this District. Cases that are commenced in this District shall be assigned upon filing to individual Judges in the manner provided by administrative orders of the Court.

(b) Cases Commenced in Another District. Cases that were commenced in another District but that are transferred to this District shall be assigned upon receipt by the Clerk to individual Judges in the same manner as cases commenced in this District.

(2) ASSIGNMENT OF PROCEEDINGS

(a) Proceedings in Cases Pending in this District. The Judge to whom a case has been assigned has primary responsibility with respect to proceedings in this District arising under, in, or related to that case.

(b) Proceedings in Cases Pending in Another District. Proceedings in this District arising under, in, or related to cases pending in another District shall be assigned to individual Judges of the Court in the same manner as cases which are commenced in this District.

(c) Concurrent Jurisdiction. All Judges have concurrent jurisdiction and may act in any matter in the absence of, or with the consent of, the Judge to whom the case or proceeding is assigned.

(3) DIVISIONS

(a) Assignment to Divisions. The administrative orders of the Court may provide for the assignment of cases and proceedings to various divisions within this District.

(b) *Place of Filing Papers.*

- (i) Unless otherwise ordered by the Court, or by special waiver of the Clerk, petitions commencing cases in this District may be filed as follows:
  - A. If the debtor's actual street address is in Riverside or San Bernardino Counties, the petition shall be filed at the Clerk's office in San Bernardino;
  - B. If the debtor's actual street address is in Orange County, the petition shall be filed at the Clerk's office in Santa Ana;
  - C. All other petitions shall be filed at the Clerk's office in Los Angeles.
- (ii) All Papers other than petitions shall be filed only in the office of the Clerk designated for the division to which the relevant case or proceeding has been assigned. However, the Clerk may, by special waiver or upon order of the Court, accept papers in any office of the Clerk irrespective of division.

(4) RELATED CASES.

(a) *Definition of Related Cases.* Cases shall be deemed "Related Cases" for purposes of this Local Bankruptcy Rule 104(4) if the earlier case was pending at any time within 6 years before the filing of the new petition, and the debtors in such cases:

- (i) are the same;
- (ii) are spouses or ex-spouses;
- (iii) are affiliates, as defined in 11 U.S.C. § 101(2);
- (iv) are general partners in the same partnership;
- (v) are a partnership and one or more of its general partners;
- (vi) are partnerships which share one or more common general partners; or
- (vii) have, or within 180 days of the commencement of either of the Related Cases had, an interest in property that was or is included in the property of

another estate under 11 U.S.C. § 541(a).

(b) Disclosure of Related Cases.

(i) A petition commencing a case shall be accompanied by a "Rule 104 Statement" in the form prescribed by the Clerk.

(ii) The Rule 104 Statement shall be executed by the petitioner under penalty of perjury and shall disclose, to the petitioner's best knowledge, information and belief:

A. Whether any Related Cases are pending or have been pending at any time;

B. The name of the debtor in such Related Cases;

C. The case number of such Related Case(s);

D. The district and division in which such Related Case(s) is or was pending;

E. The Judge(s) to whom such related Case(s) was assigned;

F. The current status of the Related Case(s); and

G. The manner in which the cases are related.

(iii) The failure fully and truthfully to provide all information required by the Rule 104 Statement may subject the petitioner and its attorney to appropriate sanctions, including without limitation the dismissal of the case with prejudice, conversion, or the appointment of a trustee.

(iv) Unless otherwise ordered by Court, the Clerk shall not accept for filing any (including emergency) petition that is not accompanied by a Rule 104 Statement.

(c) Assignment of Related Cases by Clerk. When a Rule 104 Statement discloses a Related Case which is or was pending in this District, the newly-filed case shall be assigned by the Clerk in the following manner, notwithstanding Local Bankruptcy Rules 104(1) and (3):

(i) If the Judge to whom such Related Case was most recently assigned is still in office, then to such Judge;

(ii) If such Judge is no longer in office, then according to the administrative orders of this Court;

(iii) If such Judge is not a current chapter 13 Judge and the newly- filed case is under chapter 13, then according to the administrative orders of this Court;

(iv) If the new petition was properly filed in a division of this District different from the division in which the prior case was filed, the new case will be assigned to a Judge in the division in which it was filed and not to the Judge to whom the prior case was assigned.

(d) Reassignment of Cases by the Court

(i) The Judge before whom a later-filed case is pending may, with or without motion, notice, or hearing, order the reassignment of such case to the Judge before whom a prior Related Case is pending or was pending, or for the convenience of the Court.

(ii) The Judge before whom a prior Case is pending or was pending may, with or without motion, notice, or hearing, order the reassignment to his or her docket of a later-filed case pending before another Judge.

(iii) Any reassignment of a case pursuant to Local Bankruptcy Rule 104(4)(d)(i) or (ii) shall require the concurrence of the Judges to whom and from whom such case is to be reassigned.

(iv) The Judges to whom Related Cases have been assigned may, by mutual consent, order the assignment of a prior Related Case to the Judge to whom a later-filed case has been assigned for good cause based upon the convenience of the parties or where justice otherwise requires.

(v) Motions by parties in interest to request reassignment or consolidation of related bankruptcy cases or adversary proceedings shall be made to the Judge to whom the low-numbered case is assigned. Such motions may be filed using the procedure set forth in Local Bankruptcy Rule 111(7)(a), on notice to the debtor, the trustee, the official creditors' committee (or if no committee has been appointed, to the twenty largest unsecured creditors), the attorneys of any of the foregoing, the United States Trustee, any other named parties if the motion seeks transfer of an adversary proceeding, and any parties that have requested special notice.

(vi) Any order providing for the assignment of a Related Case pursuant to Local Bankruptcy Rule 104(4)(d)(i), (ii), or (iv) shall be titled "Order of Reassignment Pursuant to Local Bankruptcy Rule 104", shall be promptly filed with the Clerk and shall be entered by the Clerk on the docket. Notice of such order shall be given to all parties who are entitled to notice of the order for relief pursuant to Bankruptcy Rules 2002(d)(1) and (f)(1).

RULE 105. SERVICE OF PROCESS AND NOTICE

(1) SERVICE OF SUMMONS

(a) Manner of Service. Service shall be made in the manner authorized in Bank.Rule 7004. If any paper is served by mail, the mailing addresss shall include the zip code.

(b) Presentation for Issuance. The summons shall be prepared by the attorney upon forms supplied by the Clerk. The summons shall be presented concurrently with the filing of a complaint or of an involuntary petition pursuant to 11 U.S.C. § 303.

(c) Exception - Statute of Limitations. If the statute of limitations applicable to any claim in a complaint will expire before the summons can be prepared and submitted, the complaint shall be accepted by the Clerk for filing without a summons. The summons shall be presented for issuance within two (2) days after the complaint is filed under this exception.

(d) Limitations on Service by Marshal. Except as otherwise provided by order of the Court, or when required by the treaties or statutes of the United States, process shall not be presented to the United States Marshal for service. However, civil process on behalf of the United States government or an officer or agency thereof shall be made by the United States Marshal upon request by the government.

(2) WRITS OF SEIZURE OR POSSSESSION

Any seizure to be made in aid of any order granted by the Court shall be made only by the United States Marshal or by a state or local law enforcement officer authorized by state law or a private person specially appointed by the Court for that purpose.

Any eviction to be made pursuant to a Writ of Possession issued by the Court pursuant to Bankruptcy Code Section 365(d)(4) shall generally be made by a state or local law enforcement officer authorized by state law to execute such writs issued under state law unless otherwise ordered by the Court.

(3) PROOF OF SERVICE.

(a) Form. Proof of service may be made by declaration of the person accomplishing the service. That declaration shall include the following information:
(i) The day and manner of service;
(ii) The person and/or entity served;
(iii) The method of service employed (e.g., personal, mail, substituted, etc.).
(iv) Identification of the papers served; and
(v) The exact address (including zip code) at which service was made.

(b) Service by Mail. Proof of service by mail may be by the declaration of the person mailing or causing the papers to be mailed.

(c) Personal Service. In addition to any other method authorized by law, proof of personal service may also be shown by declaration that the sender has caused the papers to be served by hand in the same manner as for mail or shown by acknowledgement of service by the person receiving a copy thereof on the original of the copy served. That person shall be the attorney for the party, the person in charge of the attorney's office, or the party appearing pro se.

(d) Service by Mail Equivalents. Proof of service by hand delivery or overnight courier may be made by the person causing the paper to be delivered to the entity delivering the paper or the overnight courier.

(e) Service by Facsimile Machine. Proof of service by facsimile machine may be made by the person causing the paper to be transmitted. Such proof of service shall indicate the telephone number to which the paper was transmitted and the method of confirmation that the transmission was received. No Paper exceeding a total of 15 pages shall be served by facsimile machine, except with the express prior consent of the party receiving the transmission.

(f) Filing. Except for matters being heard on shortened notice and under Local Bankruptcy Rule 113, proof of service shall be filed in the Clerk's office no later than five days after service and the serving party shall bring a conformed copy to the hearing. If the proof or acknowledgment of service is attached to the original document, it shall be attached as the last page of the document.

(g) Failure to file. Failure to prepare or file the proof of service required by this Local Bankruptcy Rule does not affect the validity of the service. The Court may at any time allow the proof of service to be amended or supplied unless to do so would result in material prejudice to the substantive rights of any party.

(4) REQUESTS FOR NOTICE.

In chapter 9 and 11 cases only, the debtor in possession or trustee shall maintain a current mailing list of all entities who have served requests for notice served pursuant to Bank.Rule 2002 (i) and shall promptly furnish a copy of that list upon the request of any creditor or other interested party.

(5) NOTICE TO FEDERAL AGENCIES

Notice shall be given to federal agencies as follows:

(a) United States Trustee

(i) Copies of Papers. Copies of all Papers filed in all cases and proceedings under Chapters 7, 9, 11 and 12 shall be served upon the United States Trustee. In Chapter 13 cases, only notices of conversion or motions to convert the case to another chapter must be served on the United States Trustee.

(ii) Matters Requiring Pre-Filing Review by United States Trustee: The following matters must be submitted to the United States Trustee for review and comment prior to filing with the Court:

A. Applications to employ professional persons except in chapter 13 cases;
B. Motions to extend time to file the papers required by Bank.Rule 1007 in chapter 11 cases; and
C. Stipulations for appointment of a chapter 11 trustee or examiner or any other person or entity to be given possession, control or operation of any of the debtor's property outside of the ordinary course of business.

Within two Court days after transmitting the Paper to the Court for filing, the office of the United States Trustee shall mail a conformed copy of its response, objections, or other comments to the attorney or party submitting a Paper for pre-filing review under this paragraph if an additional copy of the Paper and a self-addressed stamped envelope are submitted with the original Paper.

(iii) Notice of Emergency Motions and Hearings Held on Shortened Notice. Telephonic notice of emergency motions or hearings held on shortened notice shall be given to the United States Trustee, if the United States Trustee would otherwise be entitled to notice of the type of motion or hearing.

(iv) Place of Service. The Office of the United States Trustee should be included in the Master Mailing List and should be served at the following addresses:

Papers in All Cases And Proceedings Assigned to Los Angeles and Northern Division Judges

United States Trustee
300 N. Los Angeles St.
Rm 3101, Federal Building
Los Angeles, CA 90012

Papers in All Cases and Proceedings Assigned to Santa Ana Division Judges

United States Trustee
600 West Santa Ana Blvd.
Suite 501
Santa Ana, CA 92701

Papers in All Cases and Proceedings Assigned to San Bernardino Division Judges

United States Trustee
Federal Building - Rm 106
699 N. Arrowhead Avenue
San Bernardino, CA 92401

(b) United States Attorney
The United States Attorney for this District has waived notice under Bank.Rule 2002(j). If the United States Attorney requires notice in a case or proceeding, she or he shall file and serve the debtor, the United States Trustee, any Trustee, and the representatives of any committee appointed in a case with a request for special notice.

(c) Internal Revenue Service
Except with respect to contested matters or adversary proceedings (where service must comply with the requirements of Bank. Rule 7004), or as otherwise ordered by the Court, whenever the United States Internal Revenue Service is a creditor in a case, all notices to the United States Internal Revenue Service shall be sent as follows:

(i) To the Los Angeles Office. For debtors whose mailing address on the petition is that area of Los Angeles County north of California Highway 91 (Artesia Freeway):

By Mail:
Internal Revenue Service
Special Procedures/Bankr.
P. O. Box 1431
Los Angeles, CA 90053

By Hand-Delivery:
Special Procedures Staff -
Insolvency Unit
Internal Revenue Service
The Federal Building, Room 4062
300 No. Los Angeles Street
Los Angeles, CA 90012

(ii) To the Laguna Niguel Office: For debtors whose mailing address on the petition is in the counties of Orange, Riverside, San Bernardino or that area of Los Angeles County south of California Highway 91 (Artesia Freeway).

By Mail:
Internal Revenue Service
Special Procedures/ Bankr.
P. O. Box C-13
Laguna Niguel, CA 92677

By Hand Delivery:
Special Procedure Section -
Insolvency Unit
Internal Revenue Service
The Federal Building
24000 Avila Road
Laguna Niguel, CA 92677

(iii) To the San Jose Office: For debtors whose mailing address on the petition is in the counties of Ventura, Santa Barbara or San Luis Obispo.

By Mail:
Internal Revenue Service
Special Procedure/Bankr.
P. O. Box 99
San Jose, CA 95103

(6) MASTER MAILING LIST

(a) General Requirements. The debtor shall file concurrently with the petition a Master Mailing List of the names, mailing addresses and zip codes of all creditors listed on Schedule A-List of Debts. The list of creditors must be typed on blank, unlined, standard white 8-1/2 x 11 inch bond paper. The debtor's name and address must appear as the first entry on the first page of the list. In consumer cases, the debtor's spouse must be listed next, followed by the debtor's attorney, the United States Trustee, and then the creditors. The creditors must be alphabetized by company name or by the last name of individual creditors. Because the creditor list will be subject to optical character reading ("OCR") input, the print must be letter-quality (dot matrix print is **unacceptable**), using one of the following three standard typefaces: Courier 10 pitch, Prestige Elite, or Letter Gothic. All type must be at least one and one half inches (1.5") from any edge of the paper. The pages should be numbered on the back of each page, not on the front.

Only one (1) column of name and address blocks shall appear on a single page, with no more than ten (10) name and address blocks per page. Each creditor name and address block shall consist of no more than four (4) total lines, with at least three (3) blank lines between each such block. Each line shall be no more than 27 characters (including spaces) in length. The last line of each address must include the city, state and zip code. The two-letter abbreviations for all state names must be used.

SAMPLE:

ABC CO.
Attn: Sandra Jones
312 N. Spring St., Ste. 12
Los Angeles, CA 90012

Brown, Robert C.
300 N. Los Angeles St., #6
San Juan Capis., CA 92675

(b) Partnerships and Corporations. If the debtor is a partnership or corporation, the master mailing list shall also include the names and addresses of all general partners or senior corporate officers. Either as part of the master mailing list or as a separate "equity holders mailing list," there shall also be provided a listing of all limited partners, shareholders, or other equity holders. The equity holders mailing list must comply with the format requirements of subsection (a) above.

(c) Computer Readable Tape for Cases with More Than 200 Creditors or Equity Holders. For all cases with 200 or more entities that hold either claims or interests, the petitioner shall indicate on the face sheet of the petition or conversion order, under the debtor's name, a statement that the case contains 200 entities that hold either claims or interests. The exact number of creditors is not required. In such cases the debtor, or such other person as the Court may order, shall provide the Clerk with a computer-readable magnetic tape, containing the names, addresses, scheduled classes of debt (priority, secured, or unsecured), and amounts of debt for all creditors shown in schedules A1, A2 and A3 required pursuant to Bank.Rule 1007(b) and all equity holders. Such tape shall be prepared in accordance with instructions and specifications promulgated by the Clerk and submitted concurrently with the schedules. Failure to file the tape in a timely manner may subject the case to dismissal. A "hard copy" printed version of the Master Mailing List must also be filed. This copy may be in the form of a computer-generated list, provided that it is printed on 8-1/2" by 11" paper. It need not comply with the format requirements of subsection (a) of this rule.

(d) Exception to Requirement for Computer Readable Tape. Upon motion, the computer-readable magnetic tape requirement may be dispensed with or the requirements hereof may be modified by the Court in the interests of justice or for cause shown.

(e) Debtor's Obligation to Assure Accuracy. It shall be the responsibility of the debtor or such other person as the Court may order to ensure that the schedules, master mailing list, equity holders mailing list, and computer-readable tape are complete and correct. The master mailing list shall contain a declaration by the debtor or debtor's counsel attesting to the completeness and correctness of the list. If the master mailing list is a computer readable tape prepared by someone other than the debtor or debtor's counsel, a declaration shall also be submitted by the preparer to attest to the manner of preparation of the tape. The Clerk's office shall not be required to compare the names and addresses shown on the master mailing list with those on the petition. The Clerk's office may use either the schedules, the mailing lists or the computer-readable magnetic tape for noticing creditors.

RULE 106 PENALTIES.

(1) VIOLATION OF RULE.

The violation of or failure to conform to the Local Bankruptcy Rules or Bank.Rules, shall subject the offending party or counsel to such penalties, including monetary sanctions or the imposition of costs and attorney's fees to opposing counsel, as the Court may deem appropriate.

(2) FAILURE TO APPEAR OR PREPARE.

Unless otherwise ordered by the Court, failure of counsel for any party to take any of the following steps may be deemed an abandonment or failure to prosecute or defend diligently by the defaulting party:

(a) Complete the necessary preparation for pre-trial;
(b) Appear at pre-trial or status conference;
(c) Be prepared for trial on the date set; or
(d) Appear at any hearing where service of notice of the hearing has been given or waived.

Judgment may be entered against the defaulting party either with respect to a specific issue or on the entire proceeding or contested matter.

RULE 107 PROCEDURE IN ABSENCE OF RULE.

Matters not specifically covered by these Local Bankruptcy Rules may be determined, if possible, by parallel or analogy to the F.R.Civ.P. or the Bank.Rules, or the District Court Rules.

If no parallel or analogy can be found in the F.R.Civ.P. or Bank.Rules, the procedure shall conform to practice in courts of equity of the United States.

If no parallel or analogy exists, then the Court may proceed in any lawful manner not inconsistent with these Local Bankruptcy Rules and the Bank.Rules.

RESERVED

RULE 109

RESERVED

RESERVED

PART II. MOTION PRACTICE

RULE 111. MOTIONS (EXCEPT RELIEF FROM AUTOMATIC STAY,CO- DEBTOR STAY OR REJECTION OF COLLECTIVE BARGAINING AGREEMENTS).

(1) GENERAL REQUIREMENTS.

(a) Applicability. The provisions of this rule shall apply to motions, orders to show cause, and all other proceedings except a trial on the merits (all such being included within the term "motion" as used herein) unless otherwise ordered by the Court as provided by statute, the F.R.Civ.P., the Bank.Rules or the Local Bankruptcy Rules. This rule does not apply to Motions for Relief from the Automatic Stay or Co-debtor stay, which must comply with Local Bankruptcy Rule 112 or to Motions for Rejection of Collective Bargaining Agreements, which are governed by 11 U.S.C. § 1113.

(b) Motion Days. Unless the Judge schedules a regular law and motion day, hearings on any motions may be noticed for any time with approval of the Judge or Courtroom Deputy. Prior to noticing any hearing on a motion, counsel shall obtain approval from the Judge's Courtroom Deputy as to the setting of the hearing.

(c) Computation of Time. All times shall be computed in conformity with Bank.Rule 9006(a). A party filing any document in support of, or in opposition to, any motion noticed for hearing as above provided, after the time for filing the same shall have expired, may be subject to the sanctions listed in Local Bankruptcy Rule 106.

(d) Service by Mail: Applicability of Bank.Rule 9006(f). Unless otherwise specified, the times prescribed by this Local Bankruptcy Rule assume and allow for service by mail. Therefore the parties may not avail themselves of the additional time provided by Bank.Rule 9006(f) in situations wherein the specific time limits set forth in the Local Bankruptcy Rules apply.

(e) Filing, Time for Hearing and Content of Papers Filed. Unless otherwise provided by rule or order of the Court, no oral motions will be recognized except during trial. Every motion shall be accompanied by written notice of motion, specifying the time and place of hearing.

(f) Time for Service and Response. Any motion and notice thereof shall be served upon the adverse party, except for a motion under Local Bankruptcy Rule 111(3), and filed with the Clerk not later than twenty-one days before the day designated in the motion as the hearing date, unless the Court, for good cause, prescribes a shorter time. All motions shall be placed by the Courtroom Deputy upon the calendar for hearing at the time and on the day set forth in the notice thereof. There shall be served and filed with the motion and as a part thereof: (1) copies of all photographs and documentary evidence which the moving party intends to submit in support of the motion, in addition to the declarations required or permitted by Bank.Rule 9006(d); and (2) a brief, but complete, written statement of all reasons in support thereof, together with a memorandum of the points and authorities upon which the moving party will rely.

Unless warranted by special circumstances of the motion, or otherwise ordered by the Court, points and authorities are not usually required for applications to retain or compensate professionals.

The moving papers shall advise the opposing party that Local Bankruptcy Rule 111(1)(g) requires a formal response at least eleven days before the hearing.

(g) Response to Motions. Unless the Court orders otherwise, each interested party responding to the motion shall, not later than 11 days prior to the hearing date, serve upon the adverse party, and file with the Clerk either: (i) a brief, but complete written statement of all reasons in opposition thereto or in support or joinder thereof and answering memorandum of points and authorities, declarations and copies of all photographs and documentary evidence on which the responding party intends to rely; or (ii) a written statement that the motion will not be opposed. If the hearing is set for Santa Barbara, a courtesy copy of the response should also be mailed to the Judge's chambers in Santa Barbara. The Santa Barbara courtesy copy does not have to be a court-conformed copy.

(h) Reply Papers. The moving party (or the opposing party in instances where a joinder has been filed) may, at least two Court days before the scheduled hearing, elect to serve and file a reply memorandum with declarations or other evidence attached. Service of reply papers on opposing parties shall be made by personal service or by overnight mail delivery service. A courtesy copy should be delivered directly to the Judge's law clerk. If the hearing is set for Santa Barbara, the Judge's courtesy copy should be delivered directly to the chambers in Santa Barbara. The Santa Barbara courtesy copy does not have to be a court-conformed copy. Unless the Court finds good cause, reply papers not filed or served as provided above will not be considered.

(i) Extension of Time Due to Continuance of Hearing Date. Unless the order for continuance shall specify otherwise, the entry of an order continuing the hearing of a motion automatically extends the time for filing and serving opposing papers and reply papers.

(j) Failure to File Required Papers. Papers not timely filed and served may be deemed by the Court to be consent to the granting or denial of the motion, as the case may be.

(k) Evidence on Motions. Factual contentions involved in any motion or opposition to a motion shall be presented, heard, and determined solely upon declarations and other written evidence (including documents, photographs, deposition excerpts, etc.), except that the Court may, in its discretion, require or allow oral examination of any declarant or any other witness. When the Court intends to take such testimony, it will give the parties two Court days notice of its intention, if possible, or may grant such a continuance as it may deem appropriate.

Declarations shall contain only factual, evidentiary matter and shall conform with the requirements of F.R.Civ.P. 56(e).

Evidentiary objections (i) must be set forth in a separate document, (ii) must cite the specific Federal Rule of Evidence upon which the objection is based, and (iii) must be filed with the responsive or reply papers or may be deemed waived. Verification of motions are not sufficient to constitute evidence on a motion, unless otherwise ordered by the Court.

(1) Appearance at Hearing. Counsel for the moving party and for the opposing party shall be present on the hearing date and shall have such familiarity with the case as to permit informed discussion and argument of the motion. Failure of any counsel to appear, unless excused by the Court in advance, may be deemed consent to a ruling upon the motion adverse to that counsel's position.

Counsel may with the consent of the Court waive personal appearance at the hearing. Counsel who have agreed to waive personal appearance shall advise the Courtroom Deputy of such agreement by telephone message or letter which reaches the Courtroom Deputy by no later than noon on the third Court day preceding the hearing date. The Courtroom Deputy shall advise the parties by no later than noon on the Court day preceding the hearing date as to whether the Court has consented to the waiver of personal appearance.

If Court decides in its discretion to dispense with oral argument on any motion, the Courtroom Deputy will attempt to give counsel notice of the Court's intention to do so at least 24 hours prior to the hearing date and time.

(m) Notice of Withdrawal of Motion or Lack of Opposition. Any party who seeks either to withdraw a motion or to state its lack of opposition to a motion shall, not less than two Court days in advance of any day fixed for the hearing, so notify: (i) opposing counsel, and (ii) the Courtroom Deputy of the Judge before whom the matter is pending. Motions for continuances are governed by Local Bankruptcy Rule 114.

(2) DISMISSAL OR SUSPENSION OF CASE.

A motion by the debtor to dismiss or suspend a case under 11 U.S.C. §§ 301 or 302 or a motion by creditors or the debtor to dismiss or suspend an involuntary case filed under 11 U.S.C. § 303 shall be supported by a declaration setting forth the reasons for the request for dismissal. The motion shall fully disclose any arrangement or agreement between the debtor and creditors or any other person in connection with the motion for dismissal or suspension.

The Court may condition the dismissal upon payment of fees and expenses, including quarterly fees due the Office of the United States Trustee, as warranted.

(3) DISCOVERY MOTIONS.

For any dispute which may arise under Bank.Rules 7026-7037, counsel shall comply with all portions of this subsection of the Local Bankruptcy Rules unless excused from doing so by order of the Court for good cause shown.

(a) Meeting of Counsel. Prior to the filing of any motion relating to discovery, counsel for the parties shall meet in person or by telephone in a good faith effort to resolve the discovery dispute. It shall be the responsibility of counsel for the moving party to arrange for the conference. Unless altered by agreement of the parties or by order of the Court upon good cause shown, counsel for the opposing party shall meet with counsel for the moving party within 11 days of service upon counsel of a letter requesting such meeting and specifying the terms of the discovery order to be sought.

(b) Moving Papers. If counsel are unable to settle their differences, the party seeking discovery shall file and serve a notice of motion together with a written stipulation. This written stipulation shall be formulated by the parties and shall specify, separately and with particularity, each issue that remains to be determined at the hearing and the contentions and points and authorities of each party as to each issue. The stipulation must be set forth in one document which shall contain all such issues in dispute and the contentions and points and authorities of each party. The stipulation shall not refer the Court to other documents to describe the dispute. For example, if the sufficiency of an answer to an interrogatory is in issue, the stipulation shall contain, verbatim, both the interrogatory and the allegedly insufficient answer, followed by each party's contentions, separately stated. In the absence of such stipulation or a declaration of counsel of noncooperation by the opposing party, the Court will not consider any discovery motion. The motion shall be heard no earlier than 11 days after the filing of the motion.

(c) Supplemental Memoranda. Each party may file and serve a supplemental memorandum of law no later than four Court days prior to the hearing date. Unless otherwise ordered by the Court, a supplemental memorandum shall not exceed five pages in length.

(d) Cooperation of Counsel - Sanctions. The failure of any counsel to cooperate in such procedures and to attend the meeting of counsel or to provide the moving party the information necessary to prepare the stipulation required by this Local Bankruptcy Rule within seven days of the meeting of counsel shall result in the imposition of sanctions, including but not limited to the sanctions provided in Local Bankruptcy Rule 106 and Bank.Rule 7037.

(4) ORDERS PREVIOUSLY DENIED OR REFUSED.

Whenever any motion for an order or other relief has been made to the Court and has been denied in whole or in part, or has been granted conditionally or on terms, and a subsequent motion is made for the same relief in whole or in part upon the same or any allegedly different state of facts, it shall be the continuing duty of each party and attorney seeking such relief to present to the Judge to whom any subsequent motion is made, a declaration of a party or witness or certified statement of an attorney setting forth the material facts and circumstances surrounding each prior instance including inter alia: (i) when and to what Judge the motion was made; (ii) what ruling or decision or order was made thereon; and (iii) what new or different facts and circumstances are claimed to exist which did not exist, or were not shown, upon such prior motion. For failure to comply with the foregoing requirements of this rule, any ruling or decision or order made on such subsequent instance may be set aside sua sponte or on ex parte motion, and the offending party or attorney may be subject to sanctions.

(5) MOTIONS FOR SUMMARY JUDGMENT OR FOR PARTIAL SUMMARY ADJUDICATION.

There shall be served and lodged with each notice of motion and motion for summary judgment or partial summary adjudication pursuant to Bank.Rule 7056 a proposed statement of uncontroverted facts and conclusions of law, and a separate proposed summary judgment. Such proposed statement shall state the material facts as to which the moving party contends there is no genuine issue and shall reference each fact to the evidence that supports it.

Any party who opposes the motion shall, not later than 11 days before the hearing on the motion, serve and file a separate concise "statement of genuine issues" with responding papers setting forth all material facts as to which it is contended there exists a genuine issue necessary to be litigated, and referencing each fact to the evidence which establishes the genuine issue to be litigated.

In determining any motion for summary judgment, the Court may assume that the material facts as claimed and adequately supported by the moving party are admitted to exist without controversy except to the extent that such facts are (a) included in the "statement of genuine issues" and (b) are controverted by declaration or other evidence filed in opposition to the motion.

(6) PRELIMINARY INJUNCTIONS.

When a temporary restraining order ("TRO") is not sought, a preliminary injunction shall be sought by noticed motion and not by order to show cause. When a TRO is sought, a preliminary injunction shall be sought by order to show cause. If the TRO is granted without notice, the hearing on the order to show cause shall be set within ten days after the entry of the TRO unless otherwise agreed by the parties. If the TRO is denied or granted after reasonable notice, the Court may set the hearing on the order to show cause re preliminary injunction without regard to the 21 days' notice of motion requirement of the Local Bankruptcy Rules.

(7) MOTIONS AND MATTERS NOT REQUIRING A HEARING.

(a) Matters That May Be Determined Upon Notice and Opportunity to Request Hearing. (OPTIONAL PROCEDURE) Upon not less than 20 days notice to such creditors and interested parties who are entitled to notice of the particular matter, orders may be obtained on the following motions without a hearing unless one is specifically requested by filing and serving a written objection and request for hearing within 20 days of the date of notice:

(i) Motions to use, sell or lease property under 11 U.S.C. § 363(b)(1), except for sales of all or substantially all of the debtor's assets;

(ii) Motions to abandon property of the estate under 11 U.S.C. § 554, including motions to compel abandonment of property of the estate that are filed by individual debtors in chapter 7 cases who are seeking to refinance or sell exempt property;

(iii) Motions to extend exclusivity period under 11 U.S.C. § 1121(d);

(iv) Motions to assume executory contracts or leases under 11 U.S.C. § 365, if the other parties to the contract or lease stipulate to the assumption;

(v) Motions under 11 U.S.C. § 365 to reject executory contracts or leases, except collective bargaining agreements under 11 U.S.C. § 1113;

(vi) Motions to avoid liens under 11 U.S.C. § 522(f);

(vii) Applications to pay real estate broker's commissions in connection with sales of real property, or auctioneer's commissions in connection with sales of personal property;

(viii) Motions to establish a deadline for filing of proofs of claim or interests, provided that the proposed bar date allows at least 60 days notice for filing claims;

(ix) Motions to approve stipulations or agreements requiring notice pursuant to Bank.Rul 4001(d), including agreements to modify or terminate the automatic stay, to provide adequate protection, to use cash collateral, or to create senior or equal liens on property of the estate;

(x) Motions for an order approving distribution filed in chapter 7 cases;

(xi) Motions pursuant to Local Bankruptcy Rule 116(5) to amend or correct an order previously entered by the Court;

(xii) Motions requesting reassignment or consolidation of related bankruptcy cases or adversary proceedings under Local Bankruptcy Rule 104(4)(d)(v);

(xiii) Objections to claims only on grounds that the claims were (a) filed after the bar date, (b) improperly included on the claims register due to Clerk's office error, or (c) duplicative. The evidentiary and format requirements of Local Bankruptcy Rule 111(15) apply;

(xiv) Other motions. The Court may determine other motions using this procedure provided that the motion specifies why this procedure is appropriate under 11 U.S.C. § 102(1)(B) given the facts of the case.

The moving papers shall advise the opposing party that Local Bankruptcy Rule 111(7)(a) requires that any objection or request for hearing must be filed and served within 20 days of the date of the notice.

No Objections Filed. If the objection period expires without the filing of any objection or request for hearing, the moving party shall promptly lodge a proposed order, unless none is required under the Code and the requirements of Local Bankruptcy Rule 118 are satisfied. **At the same time as the proposed order is lodged (and preferably rubber-banded or clipped to the order)**, the moving party shall also file a declaration attesting that no objections were served upon the moving party, to which declaration shall be appended (as exhibits) copies of the motion, notice and proof of service of the notice and motion. The proposed order and declaration need only to be served on the United States Trustee. No other service before filing and lodging is required. These Papers shall be accompanied by the necessary copies of the notice of entry for the order, together with the requisite addressed, stamped envelopes. The notices of entry shall provide for the service on the debtor, any trustee, any committee appointed in the case, the United States Trustee, any party whose interest in real *or personal* property is directly affected by the motion, counsel for any of the foregoing, and any parties that had requested special notice.

Objections or Requests for Hearing Filed. If a timely objection and request for hearing is filed and served, the moving party shall schedule and give not less than 11 days notice of a hearing to those objecting and to the U.S. Trustee. Within 20 days from the date of service of an objection or request for hearing, the movant must contact the Court and obtain and give notice of a hearing date. If movant fails to obtain a hearing date, the Court may deny the motion without prejudice, without further notice or hearing. Briefs are generally not required for these motions.

(b) Conversions Upon Debtor's First Request. Unless the case has previously been converted, a debtor's motion to convert a case under 11 U.S.C. §§ §706(a) or 1112(a) does not require notice and a hearing. Notice of an order converting a case to another chapter must be given by the Clerk to all creditors and interested parties and to the United States Trustee.

(c) Motions for Examination Under Bank.Rule 2004. Motions for examination under Bankruptcy Rule 2004 must be served on the debtor and trustee (if any). *[Excess sentence deleted]* The motion shall also state the place of residence and the place of employment of the party whose examination is requested, if known. The motion shall state why the examination cannot proceed under Bank.Rule 7030 or 9014. Unless otherwise ordered by the Court, no hearing is required. Not less than 21 days notice of the examination must be provided, calculated from the date of service or the date of filing of the application unless otherwise ordered by the Court for cause shown.

Motions for protective orders must be filed and served not less than 11 days before the date of the examination, and set for hearing not less than two Court days before the scheduled examination, unless an order shortening time is granted by the Court. The parties may stipulate, or the Court may order, that the examination be postponed so that the motion for protective order can be heard on regular notice under Local Bankruptcy Rule 111(1). The Court may require compliance with Local Bankruptcy Rule 111(3).

After the Court approves a Rule 2004 examination of a third party, that party must be properly served with a subpoena as required by Bank. Rule 9016 and F.R.Civ. P. Rule 45. The party whose examination is requested may file a motion for protective order if grounds exist under Bank. Rule 7026 and F.R.Civ.P. Rule

26(c). Such a motion may be heard on shortened notice under Local Bankruptcy Rule 113(2) if necessary.

(d) Applications to Retain Professionals. The original of applications to retain professionals under 11 U.S.C. § 327 must be submitted to the United States Trustee for review and comment prior to filing. No hearing shall be required unless requested by the United States Trustee, a party in interest, or otherwise ordered by the Court.

Alternatively, the application may be made by noticed hearing and filed directly with the Court. In such event, notice shall be given to all parties requesting special notice, any committee (or, if none has been appointed, to 20 largest unsecured creditors), the debtor, the trustee appointed in the case (if any), their attorneys, and the Office of the United States Trustee.

(e) Extension of Time to File Schedules and Statement of Affairs. Motions to extend time to file lists of creditors and equity security holders, or to file schedules and statement of affairs, must comply with Bank.Rule 1007. If more than a 30-day extension is requested, then compliance with Local Bankruptcy Rule 105 is also required. In Chapter 9 and 11 cases, original motions must be submitted to the United States Trustee for review prior to filing.

(8) PENALTIES.

Pursuant to Bank.Rule 9011, the presentation to the Court of unnecessary motions, and the unwarranted opposition to motions, which unduly delay the course of an action or proceeding through the Court, or failure to comply fully with these rules, subjects the offender and attorney, at the discretion of the Court, to appropriate discipline, including the imposition of costs and the award of attorneys' fees to opposing counsel.

(9) HEARINGS ON REAFFIRMATION AGREEMENTS.

Requests for hearing on reaffirmation agreements under 11 U.S.C. § 524 must be filed by the debtor or creditor within 60 days following the conclusion of the first meeting of creditors under 11 U.S.C. § 341(a), unless otherwise ordered by the Court. If and only if the party filing the reaffirmation agreement seeks a Court order approving the agreement, then upon filing, the reaffirmation agreement shall be accompanied by a notice of hearing with the time and place of hearing to be filled in by the Clerk at the time of filing. The entity that filed the reaffirmation agreement must serve the notice of hearing on the other party within five days of receipt. The Court will not approve a reaffirmation agreement unless a hearing is held at which the debtor appears to be examined. The creditor need not appear at the hearing.

(10) MOTIONS FOR WITHDRAWAL OF REFERENCE.

Motions for withdrawal of reference of a case or proceeding pursuant to Bank.Rule 5011 shall be filed with the clerk of the District Court. The local rules of the District Court shall apply to the hearing and determination of the motion.

(11) APPLICATIONS FOR REMOVAL.

Upon the filing of an application for removal pursuant to Bank.Rule 9027, the Clerk shall issue a notice of status conference before the Judge to whom the case or proceeding has been assigned. The status conference shall be set not less than 45 days after the date that the notice is mailed, unless otherwise ordered by the Court. Within five days of receipt, the applicant shall serve the notice of status conference on all other parties to the removed action, including any trustee appointed in the case.

(12) MOTIONS FOR ORDERS TO SHOW CAUSE RE CONTEMPT.

Unless otherwise ordered by the Court, contempt proceedings are initiated by filing a motion that conforms with Local Bankruptcy Rule 111(1) and a proposed order to show cause re contempt which complies with the requirements of Bank.Rule 9020(b). The motion shall be served on the responding party which shall have five days to object to the issuance of the order to show cause. No hearing on the request for issuance of the order to show cause is necessary, unless otherwise ordered by the Court. Upon approval of the order to show cause, the Clerk will issue and forward to the moving party the order to show cause setting the date and time of the contempt trial. Unless the order to show cause provides otherwise, the moving party shall serve the issued order and the moving papers not later than 21 days before the date set for the trial. Entities not previously subject to the personal jurisdiction of the Court shall be personally served. All other persons may be personally served or may be served by mail. Local Bankruptcy Rule 111(1) will govern response and reply times. Any uncontroverted facts established by declaration shall be treated as true. The Court will hear testimony on controverted facts only.

(13) FORM OF DEBTOR'S MOTIONS TO AVOID LIEN OR TRANSFER OF EXEMPT PROPERTY.

A proceeding by a debtor to avoid a lien or other transfer of property pursuant to 11 U.S.C. § 522(f) may be brought by motion pursuant to Local Bankruptcy Rules 111(1), 111(7) or 113, as appropriate. The title of the motion shall identify the creditor whose lien is to be avoided (e.g., Motion to Avoid Lien of XYZ Co. under 11 U.S.C. § 522(f)). Double captions shall not be used, nor will separate reference numbers be assigned. The motion shall be accompanied by a declaration or other competent evidence showing the loan, the balance remaining on the loan, the identification and fair market value of the property upon which the lien has attached, the value claimed exempt, the specific statutory authority for the claimed exemption, and the nature and amount of any other liens against the property. If the motion seeks to avoid a lien on real property, both the motion and the order must set forth the legal description of the real property at issue. All other proceedings to avoid a lien except those under 11 U.S.C. § 522(f) shall be brought by adversary proceeding. A motion to sell free and clear of liens does not constitute a "proceeding to avoid a lien" within the meaning of this rule and may be brought by motion.

(14) MOTIONS TO REOPEN CASE

A motion to reopen a closed bankruptcy case shall be filed with the Clerk together with the appropriate filing fee, except that a trustee in a case may request that the fee may be charged to the estate. The motion shall be accompanied by appropriate declarations showing cause therefor. The motion shall be assigned to the Judge to whom the case was last assigned, if still in office; otherwise, such request shall be assigned at random by the Clerk to a Judge to hear and rule upon the request. Notice must be given to any former trustee in the case and the U.S. Trustee's office. If the case is being reopened to enable movant to file a motion or adversary proceeding regarding a specific creditor or party, notice must also be given to that creditor or party.

(15) OBJECTIONS TO CLAIMS

(a) Evidence Required. All objections to claims shall be supported by admissible evidence. For objections on the ground that the claim was filed after the claims bar date, copies of the appropriate notice of the bar date and the file-stamped first page of the proof of claim showing the date of filing are required, and must be authenticated by declaration. For objections to claims based on claimant's alleged failure to submit necessary documentation of the claim, a copy of the entire proof of claim with all attachments is required, and must be authenticated by declaration.

(b) Multiple Objections in Single Notice. A notice of objection may cover multiple claims where objections are grouped according to the ground asserted to each claim in the notice are based on the same ground, e.g., all the claims included in "Group A" were filed after the bar date.

(c) Multiple Objection to be Heard on One Calendar. If more than ten objections to claims are noticed for one hearing in a single case, the objecting party shall prepare and furnish to the appropriate Courtroom Deputy a calendar sheet for the hearing, specifying for each claim: (i) the claims docket number, (ii) the claimant's name, (iii) the amount of the claim, and (iv) (if different from the total amount of the claim) the portion of the claim subject to the objection. The calendar sheet shall conform to the official local form available from the Clerk's office, and shall be submitted not less than ten Court days before the hearing.

(d) Unavailable Proofs of Claim. If the complete proof of claim is not readily available from the Clerk's office, the trustee, debtor in possession, or other entity authorized to object to claims may formally request a copy from the holder of the claim by serving the creditor with a Notice of Request for Copy of Claim. All such requests must advise the holder of the claim that failure to supply a complete copy of the proof of claim, including all attached documentation, within 20 days of the notice may constitute grounds for objection to the claim based on inadequate documentation. If an objection is filed on this basis, it must be accompanied by a declaration providing evidence that the proof of claim was not readily available from the Clerk's office.

RULE 112 MOTIONS FOR RELIEF FROM THE AUTOMATIC STAY.

(1) NOTICE REQUIREMENTS.

A motion for relief from the automatic stay shall be in writing and shall bear a "double caption" in the form set forth in Local Bankruptcy Rule 103(4)(i). The moving party shall serve notice of the motion and all supporting papers on the proper responding parties as set forth below.

(a) Unlawful Detainer Motions. For motions for relief from stay to proceed with unlawful detainer actions involving residential properties with month-to-month tenancies, tenancies at will or tenancies terminated by unlawful detainer judgment ("unlawful detainer cases"), only the debtor needs to be named and only the debtor and debtor's attorney need to be served.

(b) Other Relief from Stay Motions. The debtor and debtor's attorney, if any, must be served in all cases. In all cases in which a trustee has been appointed (except in unlawful detainer cases), the trustee or interim trustee shall be named and served as a responding party.

(2) ISSUANCE AND SERVICE OF NOTICE OF HEARING.

Unless otherwise ordered:

(a) Issuance. A motion must be filed with a notice of hearing, on a form available from the Clerk. No hearing dates for motions for relief from the stay will be given over the telephone. After filing the motion, the time of the hearing will be inserted in the notice of hearing by the Clerk's office.

(b) Return for Service. The notice of hearing will then be mailed by the Clerk's office to the moving party's attorney, or to the moving party if appearing pro se.

(c) Time Limits. Unless the motion is brought under Rule 113, the notice of hearing and the motion must be served by the movant on the adverse party in the manner prescribed in

Bank.Rule 7004, not later than 48 hours after the receipt of the notice of hearing from the Clerk's office. However, in no event shall the responding party have less than 11 days to respond to a motion for relief from stay.

(d) Response. The responding party shall file with the Court and serve on the adverse party a response not later than five Court days prior to the hearing on the motion.

(3) EVIDENCE ON MOTION.

(a) Supporting Documentation. There shall be served and filed with the notice of motion as a part thereof:

(i) Duly authenticated copies of all photographs and documentary evidence in support of the motion, in addition to the affidavits required or permitted by Bank.Rule 9006(d); and

(ii) A brief, but complete written statement of all reasons in support thereof. If unusual circumstances raise important issues of law, a memorandum of points and authorities is required. In all other cases, movant may, but is not required to file a memorandum of points and authorities upon which the moving party will rely. The moving papers shall advise the opposing party that Local Bankruptcy Rule 112(2)(d) requires a formal response at least five Court days before the hearing. A Statement of Indebtedness, in substantially the form available from the Clerk's office, shall be completed and attached as an exhibit to both the moving and responding papers if equity is at issue.

(b) Limitations on Oral Testimony. In lieu of oral testimony, declarations under penalty of perjury will be received into evidence. Verifications of motions are not sufficient to constitute evidence on the motion, unless otherwise ordered by the Court. The Court may, in its discretion, receive oral testimony. If the Court decides to hear oral testimony, the matter will be continued to another date for final hearing. Unless the Court orders otherwise, witnesses need not be present at the first hearing on the motion.

(c) Evidentiary Objections. Evidentiary objections shall be stated in a separate document and shall be filed with responsive or reply papers, or may be deemed waived.

(4) CALCULATION OF TIME LIMITS.

The times prescribed by this rule presume service by mail. Therefore, the parties may not avail themselves of the additional time provided by Bank.Rule 9006(f).

(5) CONTINUATION BY STIPULATION

A stipulation by the moving party to continue a hearing under Section 362(d) to a later date shall be deemed a waiver of the applicable portions of Section 362(e) until the conclusion of the hearing on such later date. Unless otherwise ordered, an order by the Court to continue a hearing under Section 362 to a later date shall be deemed to include an order continuing the stay in effect until the conclusion of the hearing on such later date.

RULE 113 EX PARTE MATTERS AND APPLICATIONS FOR ORDERS SHORTENING TIME.

(1) EMERGENCY MOTIONS.

Emergency motions are those rare matters requiring an order on less than 48 hours notice.

(a) Obtaining Hearing Date. A hearing date may be obtained by telephoning the chambers of the Judge to whom the case is assigned or such member of the Judge's staff as may be designated by the Judge to schedule emergency motions.

(b) Filing the Moving Papers. Unless otherwise ordered by the Court, the moving papers must be filed at least two hours before the time set for hearing and a copy delivered directly to chambers. The motion must be accompanied by declarations of competent witnesses under penalty of perjury that (i) justify the setting of a hearing on an emergency basis; and (ii) support the granting of the motion itself on the merits.

(c) Scope of Notice Required. Unless the movant establishes that no notice at all should be given to any party, telephonic notice of the emergency hearing must be given to the debtor; debtor's attorney; any trustee appointed in the case; the United States Trustee; the creditors committee and its counsel, if any; and such other parties as the Court may require. If the motion concerns the use, sale or lease of property under 11 U.S.C. § 363, notice shall also be given to any secured party, co-owner or other party with a specific interest in the property or matter in issue.

(d) Service of the Moving Papers. Unless otherwise ordered by the court, the moving papers may be served prior to or at the hearing by delivering a copy to any party who appears in response to the telephonic notice.

(e) Proof of Notice to be Presented at the Hearing. Movant must present to the Court at the time of the hearing a declaration of the efforts to notify opposing parties and their counsel of the time and place of the hearing and the substance of the motion.

(2) MOTIONS TO BE HEARD ON SHORTENED NOTICE.

For good cause shown, a party may request a non-emergency motion be heard on notice shorter than would otherwise be required by these Local Bankruptcy Rules. Such a request must be made by written application for order shortening time for hearing.

(a) Obtaining Shortened Hearing Date. All applications requesting an order shortening time shall be filed at the regular intake window of the Clerk's office. They shall be accompanied by a memorandum stating the nature of the request and the name of counsel for the opposing party, if known, the reasons for seeking an order shortening time, and points and authorities in support thereof. All applications shall be accompanied by declarations of a competent witnesses under penalty of perjury that (i) justify the setting of a hearing on shortened notice and (ii) support the granting of the motion itself on the merits. Notice of the application for order shortening time is not required. The application for order shortening time will be determined ex parte by the Court on the basis of the papers submitted with the application, subject to the right of any party to object to the adequacy of notice pursuant to subparagraph (3) below.

Unless otherwise ordered by the Court, all applications for orders shortening time must also be accompanied by the substantive motion that is to be heard on shortened notice, together with all declarations and other required papers in support thereof.

(b) Form of Proposed Order Shortening Time. The proposed order shortening time shall be presented as a separate document. It shall specify the parties to whom notice is proposed to be given, the nature and timing of the proposed shortened notice, which must not be less than 48 hours, and leave appropriate blanks for the Court to insert the date and time of hearing, and the date for serving and filing opposition papers. Upon receipt of the application for order shortening time, the courtroom deputy (or such other person as the Judge may designate) shall promptly notify applicant by telephone of the date and time set for hearing, and shall mail a conformed copy of the order shortening time to applicant (or upon applicants' request, shall make the conformed copy available to be picked up).

(c) Scope of Notice Required. Unless otherwise ordered by the Court, the moving party shall give notice of the order shortening time and the substance of the motion that is to be heard to all parties to whom notice of the substantive motion is required to be given by the Bank.Rules or by these rules, as well as to any other party that is likely to be adversely affected by the granting of the order. Service of a conformed copy of the order shortening time is not ordinarily required.

(d) Proof of Notice and Proof of Service. Proofs of notice of the hearing and proof of service of the papers must be filed two Court days before the hearing, unless otherwise ordered by the Court. It shall be the duty of the party that has obtained an order shortening time:

(i) Telephonic Notice. To make a good faith effort to advise all other parties and their counsel if known, by telephone and confirming letter or by such other means as are reasonably calculated to give equally prompt notice of the date, time and substance of the motion being heard on shortened notice;

(ii) Expected Attendance. To advise the Court in writing of efforts to contact other parties and their counsel and whether any other counsel, after such efforts to advise parties and their counsel, has requested to be present at the time the motion is presented to the Court;

(iii) Delivery of Papers. To deliver copies of all moving papers to all parties as soon as is practicable;

(iv) Declaration of Notice. To present a declaration of the efforts to communicate with opposing parties and their counsel or present to the Court a declaration setting forth facts sufficient to show why the motion should be heard despite failure to contact opposing parties.

(3) OBJECTION TO TIMING OF HEARING.

At the hearing on the substantive motion, any party may object to the adequacy of the notice provided and seek a continuance for good cause shown.

RULE 114. MOTION FOR CONTINUANCE - NOTICE OF SETTLEMENT - STIPULATIONS.

(1) CONTINUANCES.

(a) Motion for Continuance. Unless otherwise ordered, any motion for the continuance of any hearing shall be filed with the Court and personally served upon all previously noticed parties at least two Court days before the day set for the hearing. An order shortening time for hearing on the motion for continuance is not required if set for the same time as the original hearing. The motion shall set forth in detail the reasons therefor and shall state whether any continuance has been previously granted.

(b) Stipulations For Continuances. As soon as parties agree that a stipulation for the continuance of a hearing, pretrial conference, trial or other matter is to be submitted for approval of the Court, they shall immediately notify the Courtroom Deputy of their agreement, which shall be subject to approval by Court as required in subparagraph (d) below. Unless the continuance is approved by the Court at least one Court day before the hearing, the parties must appear.

(c) Withdrawal of Motions. Any request to withdraw a motion must be filed and personally served upon all previously noticed parties not less than two Court days before the hearing.

(d) Court Approval. No continuance (whether stipulated to by counsel or not) shall be effective unless the Court announces it in open court or approves it in writing or the Courtroom Deputy informs the parties that the Judge has authorized the requested continuance.

(2) STIPULATIONS AND SETTLEMENTS.

(a) Settlement or Stipulations - General. Parties shall inform the Courtroom Deputy immediately by telephone or other expeditious means when a matter set for hearing has been settled out of court, and that a stipulation and order will be filed. If a fully executed, written stipulation resolving all issues as to all parties is filed at least two Court days before a scheduled hearing and a courtesy copy is delivered to chambers, no appearance at the hearing will be necessary provided that the stipulation is accompanied by a notice and motion to approve compromise of controversy if required under Bankr. Rule 9019.

(b) Stipulations Requiring Notice Under Bank.Rule 4001(d). Bank.Rule 4001(d) applies in all chapter 9 and 11 cases, and in chapter 7 cases in which a committee has been appointed. Unless otherwise ordered by the Court, the notice requirement of Bank.Rule 4001(d) or 9019 may be satisfied by either serving the motion on all of the entities specified in those Rules when it is filed, or by serving on all such entities a motion for approval of the proposed settlement stipulation pursuant to Local Bankruptcy Rule 111(7)(ix). All such stipulations require approval by the Court.

(3) FAILURE TO COMPLY - SANCTIONS.

Failure to comply with the provisions of this Local Bankruptcy Rule may subject counsel to the following sanctions pursuant to Bankruptcy Rule 9011:
(a) Payment of costs and attorneys' fees of an opposing party;
(b) Payment of one day's jury fees of the panel, if one has been called for the trial; and
(c) Such other sanctions, including denial of the motion or dismissal of the proceeding, as may appear proper to the Court under the circumstances.

RULE 115. DENIAL OR DISMISSAL FOR WANT OF PROSECUTION

(1) DISMISSAL FOR FAILURE TO FILE SCHEDULES OR STATEMENT OF AFFAIRS.

If a chapter 7 petition is filed without the schedules or statement of affairs required by Bank.Rule 1007, an order to show cause may issue, providing notice to the debtor that the case will be automatically dismissed without further notice or hearing if the required schedules and statement, or a request for extension of time within which to file the required Papers, are not filed within 15 days.

(2) DISMISSAL OF PROCEEDINGS - GROUNDS AND EFFECT.

Proceedings which have been pending for an unreasonable period of time without any action having been taken therein may be dismissed for want of prosecution upon notice and opportunity to request a hearing.

(3) DENIAL OR DISMISSAL FOR FAILURE TO APPEAR.

If a party fails to appear at the noticed hearing of a motion or proceeding, the Court may make such orders in regard to the failure as are just, including denial or dismissal of the matter for want of prosecution. Unless the Court provides otherwise, any denial or dismissal pursuant to this Local Bankruptcy Rule shall be without prejudice.

(4) REINSTATEMENT - SANCTIONS.

If any proceeding dismissed pursuant to this Local Bankruptcy Rule is reinstated, the Court may impose such sanctions as it deems just and reasonable.

(5) REFILING OF DISMISSED PROCEEDING.

If any proceeding dismissed pursuant to this Local Bankruptcy Rule is refiled as a new matter or proceeding, the attorney filing the later action shall comply with the requirements of

Local Bankruptcy Rule 104(4).

(6) NOTICE OF DISMISSAL.

The Clerk shall provide notice of entry of any order dismissing an adversary proceeding to all parties to that proceeding.

RULE 116. ORDERS, JUDGMENTS, FINDINGS OF FACT AND CONCLUSIONS OF LAW.

(1) PREPARATION, LODGING AND SIGNING OF DOCUMENTS.

(a) Orders and Judgments. The order or judgment must be set forth in a separately captioned document if required by Bankr.Rule 9021. All proposed orders or judgments must be accompanied by a proof of service, reflecting notice to the proper parties, except for orders submitted at the hearing.

(i) Who Shall Prepare. Unless the Court otherwise directs, all orders and judgments shall be prepared by the attorney for the prevailing party, if any.

(ii) When Due. If not presented at the hearing, such orders and judgments shall be served and lodged with the Clerk within seven Court days of the granting thereof.

(iii) Failure to Submit Timely Order or Judgment. If the prevailing party fails to serve and lodge a proposed order or judgment within the allotted time, then any other party present at the hearing may lodge and serve a proposed order. All other parties shall have seven Court days within which to file and serve an objection in compliance with Bankruptcy Rule 116(1)(e). If no one submits a proposed order or judgment, the Court may prepare and enter such order or judgment as it may deem appropriate.

(iv) Copies and Envelopes. Except for orders that are subject to BANS noticing (e.g., an order dismissing the case), the original order or judgment must be accompanied by copies and stamped, addressed envelopes for all parties entitled to notice of the entry of the order or judgment, as set forth in Appendix III hereto. Where the motion is made pursuant to Local Rule 111(7)(a), notice of entry of the Order shall be limited to the debtor, any trustee, any committee appointed in the case, the United States Trustee, any party whose interest in real personal property is directly affected by the motion, counsel for any of the foregoing, and any parties requesting special notice. The party submitting the order must submit a copy and stamped, self-addressed envelope for the return of a conformed copy.

(v) Notice of Entry of Order. Except for orders that are subject to BANS noticing (e.g., an order dismissing the case), in addition to the copies and envelopes required in subparagraph (iii) above, each proposed order or judgment shall be accompanied by a separate notice of entry, to which shall be attached a mailing list of all parties who are required by Bank.Rule 9022 to be served with the order or judgment. For orders or judgments obtained upon default or failure to respond or appear, the parties to be served with notices of entry shall be limited to the following entities: the defaulting party and that party's attorney, if any; any other parties to the adversary proceeding or contested matter and their attorneys, if any; the debtor and debtor's attorney, if any; the trustee in the case and the trustee's attorney, if any; and the United States Trustee. Addressed, stamped envelopes must be provided by the party presenting the order or judgment for each and every entity listed on the attached service list. The form of notice shall include the title of the order or judgment, and shall leave appropriate blanks for the Clerk's office to insert the date of entry of the order or judgment and the date that the notice of entry and copy of the order or judgment were mailed by the Clerk's office.

(b) Findings of Fact and Conclusions of Law. In all cases where written findings of fact and conclusions of law are required under Bank.Rules 7052 or 7065 or as otherwise required by the Court, the attorney for the prevailing party shall within seven court days of the date of the hearing at which the oral findings and conclusions were rendered, lodge proposed findings of fact and conclusions of law.

(i) Proposed Findings. The proposed findings must:
  A. Be in separately numbered paragraphs;
  B. Be in chronological order; and
  C. Not make reference to allegations contained in pleadings.

(ii) Conclusions of Law. Conclusions of law shall follow the findings of fact and:
  A. Shall be in separately numbered paragraphs; and
  B. May include brief citations of appropriate authority.

(c) Order Upon Stipulation. At the end of a stipulation of the parties to the granting of an order and following the signatures of counsel, the parties may provide a simple order in the form of the words, "IT IS SO ORDERED," a space for the date and a signature line for the Judge appearing immediately below. A separate order may be submitted in lieu of this form where required by Bank. Rule 9021.

(d) Service of Document. The attorney whose duty it is to prepare any document required by this Local Bankruptcy Rule shall serve a copy on opposing counsel either before or on the same day that the document is lodged with the Court and shall file a proof of service with the document. Alternatively, the attorney preparing the document may present it to opposing counsel for approval as to form before the document is lodged, in which case opposing counsel shall immediately approve or disapprove the form of order and return it to counsel who prepared it. Where an order or judgment is tendered at the hearing, the order or judgment may be filed without prior service on the opposition.

(e) Separate Objection. Opposing counsel may, within seven court days after service of a copy of a document prepared pursuant to this Local Bankruptcy Rule, file and serve objections to the form of the document, setting forth the grounds thereof. A proposed alternative form of order so labeled, shall be lodged with the objections. A courtesy copy of the objection and proposed alternative form of order shall be delivered to chambers upon filing. The failure to file timely objections shall be deemed a waiver of any defects in the form of the document.

(f) Endorsement of Counsel. Except as provided herein with respect to unoppposed orders, unless the Court otherwise directs, no document governed by this Local Bankruptcy Rule will be signed by the Judge unless either opposing counsel shall have endorsed thereon an approval as to form, or shall have stipulated thereto on the record at the hearing, or the time for objection to the form of the order has expired. If it finds the ends of justice so requires, the Court may conduct a hearing on the proper form of the document, or decide the objections without a hearing.

(g) Unopposed Orders. Notwithstanding the preceding paragraphs, if no opposition has been made by a party or counsel at the hearing, the non-opposing party will be deemed to have waived any objection to the form of the order. The Court may sign an unopposed order at the hearing or immediately upon its lodging with the Clerk without waiting for the objection period to expire.

(h) Signing of Orders for Absent Judges. Except as otherwise provided by F.R.Civ.P. 63, application for any order on a case or proceeding shall be made to the Judge to whom the case is assigned. If the Judge to whom the case or proceeding is assigned is not available and there is an emergency necessitating an order, the Judge's Courtroom Deputy shall be consulted to determine whether a Judge of this Court has been designated to handle matters in the absence of the assigned Judge. If a designation has been made, the application shall be presented to the designated Judge. If no designation has been made, then the matter shall be presented to the duty Judge, or in his or her absence, to any other available Judge. If no emergency exists, the application will be held by the assigned Judge's Courtroom Deputy until the assigned

Judge is available.

(i) Approval of Bonds, Undertakings and Stipulations of Security. The Clerk is authorized to approve on behalf of the Court all bonds, undertakings and stipulations of security given in the form and amount prescribed by statute, order of Court or stipulation of counsel, which comply with the requirements of Local Bankruptcy Rule 135, and contain a certificate by an attorney pursuant to Local Bankruptcy Rule 135, except where the approval of a Judge is specifically required by law.

(j) Obtaining Certified Copies of Order or Judgments. Payment for certified copies of orders or judgments must be made to the cashier in the Clerk's Office. No checks will be accepted in the courtroom or by courtroom deputies. If a certified copy of a stipulated or default order is desired, the order or judgment may either be presented in the courtroom together with a Clerk's receipt showing prepayment of the certification fee, or else the certified copy may be requested from the Clerk's office after the order has been signed and entered.

(2) ENTRY OF JUDGMENTS AND ORDERS.

(a) Timing of Taxation of Costs. Entry of judgment shall not be delayed pending taxation of costs to be included therein pursuant to Local Bankruptcy Rule 130. A blank space shall be left in the form of judgment for insertion of costs by the Clerk after they have been taxed.

(b) Calculation of Interest. If interest is accruing or will accrue on any judgment, decree or order, the party preparing the proposed form of judgment, decree or order shall indicate by memorandum attached thereto the applicable interest rate as computed under 28 U.S.C. § 1961(a) or 26 U.S.C. § 6621 and the amount of interest to be added for each day the document remains unsigned.

(c) By Stipulation With Entry of Judgment. The

Court may withhold entry of judgment to permit the parties to submit, either separately or jointly by stipulation, the computation of the amount of money to be awarded in accordance with the Court's determination of the issues.

(d) Contested Computation. If the parties do not stipulate to a computation as provided in this Local Bankruptcy Rule, any party may file and serve a computation claimed to be in accordance with the determination of the issues of the Court. Within five Court days of service of the computation, an opposing party may file and serve objections accompanied by an alternate computation. If no objection is filed within five Court days, the judgment, decree or order will be entered in accordance with the computation already submitted.

(e) Hearing on Contested Computation. If it finds the ends of justice so require, the Court may place the matter on calendar for hearing providing there is at least five Court days notice to the parties. After hearing, the Court will determine the correct amount on which judgment will be entered. The hearing will be limited to a determination of the correct amount to be entered in the judgment and shall not constitute an opportunity for rehearing or reconsideration of the determination of the issues previously made by the Court.

(f) Effect of Stipulation to Amount of Costs. A stipulation by the parties to the amount to be entered pursuant to the determination of the issues by the Court will not be deemed to be a waiver of any rights of the parties to appeal or otherwise attack the determination of such issues by the Court.

(g) Delegation of Authority to Sign or Facsimile Stamp Designated Form Orders. The Court may delegate authority to the Clerk to (i) sign specified form orders involving ministerial matters, and (ii) facsimile stamp specified form orders consistent with oral rulings by the Court.

(3) DUTY OF CLERK AS TO AN ORDER, JUDGMENT OR DECREE DIRECTING AN ACTION BY AN OFFICIAL OF THE UNITED STATES.

When a judgment, order or decree is entered by the Court directing any officer of the United States to perform any act, unless such officer is present in Court when the order is made, the Clerk shall forthwith transmit a copy of the judgment, order or decree to the officer ordered to perform the act.

(4) DEFAULT JUDGMENTS.

(a) Entry of Default. Any request for the Clerk to enter default must be accompanied by supporting declarations establishing the elements required by Bank.Rule 7055(a) and a proof of service on the defaulting parties.

(b) Court Approval Required. Judgment by default pursuant to Bank.Rule 7055 may be entered by the Clerk only upon a default judgment signed by the Court.

(c) Form of Motion. When motion is made to the Court for a default judgment, the application shall include the following:

  (i) When and against what party the default was entered;

  (ii) Whether the defaulting party is an infant or incompetent person, and if so, whether that person is represented by a general guardian, committee, conservator or other representative; and

  (iii) Whether the individual defendant in default is currently on active duty in the armed forces of the United States, based upon an appropriate declaration in compliance with the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. section 520). When the individual defendant is the debtor, the party seeking the default may rely upon the debtor's sworn statements contained in the statement of affairs, by following the appropriate procedure for requesting judicial notice of that document pursuant to F.R.Evid. 201.

  (iv) That notice has been served on the

defaulting party, if required by F.R.Civ.P. 55(b)(2).

(d) Evidence of Amount of Damages. Unless otherwise ordered, if the amount claimed in a judgment by default is unliquidated, the movant shall submit evidence of the amount of damages by declarations in lieu of live testimony. Notice must be given to the defaulting party of the amount requested. Any opposition to the amount of damages by the party against whom the judgment is sought must be in writing and supported by competent evidence.

(e) Other Relief. Other proceedings necessary or appropriate to the entry of a judgment by default may be taken as provided in F.R.Civ.P. 55(b)(2).

(f) Schedule of Attorney's Fees. When a promissory note, contract or applicable statute provides for the recovery of a reasonable attorney's fee, that fee for a default judgment shall be calculated according to the schedule set forth below.

Schedule of Attorneys' Fees on Default Judgments.

Amount of Judgment	Attorney's Fees Award
$0.01 - $1,000	30% with a minimum of $250.00
$1,000.01 - $10,000	$300 plus 10% of the amount over $1,000
$10,000.01- $50,000	$1,200 plus 6% of the amount over $10,000
$50,000.01- $100,000	$3,600 plus 4% of the amount over $50,000
over $100,000	$5,600 plus 2% of the amount over $100,000

This schedule shall be applied to the amount of the judgment, exclusive of costs. An attorney claiming a fee in excess of this schedule may file a written request at the time of entry of the default to have the attorney's fee fixed by the Court. The Court shall hear the request and render judgment for such fee as the Court may deem reasonable.

(5) AMENDED OR CORRECTED ORDERS.

If an error or omission in the form of an entered or lodged order is discovered, a party in interest may request amendment or correction of the order by filing and serving a motion under Local Bankruptcy Rule 111(1) or 111(7)(a)(xi). The motion shall set forth specifically the changes requested in the form of the order and reasons such changes are necessary and appropriate.

A copy of the proposed amended order must be attached as an exhibit to the motion when filed and served. The amended order must state in its caption the date, time and place of the original hearing and the date of entry of the original order. If the motion uses the procedure provided in Local Bankruptcy Rule 111(7)(a)(xi), the proposed amended order itself should be lodged at the same time as the required declaration showing that no timely objection was served.

RULE 117. NEW TRIALS OR NEW HEARINGS IN CONTESTED MATTERS.

(1) GROUNDS.

The grounds for a motion for a new trial, a new hearing in a contested matter, or amendment of judgment pursuant to Bank.Rule 9023 or F.R.Civ.P. 59(a) include, but are not necessarily limited to, the following:

(a) Irregularity in the proceedings of the Court, jury or adverse party;

(b) Any order of the Court or abuse of discretion by which the party was prevented from receiving a fair trial;

(c) Misconduct by the jury;

(d) Accident or surprise which could not have been guarded against by the exercise of ordinary prudence;

(e) Newly discovered evidence material to the interest of the party making the application which could not with reasonable diligence have been discovered and produced at trial;

(f) Excessive or inadequate damages appearing to have been determined under the influence of passion or prejudice;

(g) Insufficiency of the evidence to justify the verdict or other decision; and

(h) Errors of law occurring at the trial.

(2) PROCEDURE.

(a) Error of Law. If the ground for the motion is error of law occurring at the trial, the error or errors relied upon shall be specifically stated.

(b) Insufficiency of Evidence. If the ground for the motion is the insufficiency of the evidence, the motion shall specify with particularity wherein the evidence is claimed to be insufficient.

(c) Newly Discovered Evidence. If the ground for the motion is newly discovered evidence, the motion shall be supported by declarations by the party, or the agent of the party having personal knowledge of the facts, showing:

(i) When the evidence was first discovered;

(ii) Why it could not with reasonable diligence have been produced at trial;
(iii) What attempts were made to discover and present the evidence at trial;
(iv) If the evidence is oral testimony, the nature of the testimony and the willingness of the witness to so testify; and
(v) If the evidence is documentary, the documents or duly authenticated copies thereof, or satisfactory evidence of their contents where the documents are not then available.

(d) Hearing. The motion shall be considered upon:
(i) The pleadings and papers on file;
(ii) The recorder's transcript or tape; and
(iii) Declarations, if the ground is other than error of law or insufficiency of the evidence and the facts or circumstances relied on do not otherwise appear in the file.

(e) Declarations - Time for Filing. Declarations in support of a motion for a new trial shall be filed concurrently with the motion unless the Court fixes a different time.

(f) Calendaring of Motion. The motion for a new trial shall be noticed and heard (if required by the Court) as provided in Local Bankruptcy Rule 111.

RULE 118 NOTICES OF INTENT NOT REQUIRING COURT ORDER PURSUANT TO 11 U.S.C. §§ 363(b)(1) and 554 (Optional Procedure)

(1) SCOPE OF RULE.

This rule applies only to notices that the trustee intends to (a) sell, use or lease property of the estate under 11 U.S.C. § 363(b)(1), except for sales of all or substantially all of the debtor's assets; or (b) abandon property of the estate under 11 U.S.C. § 554.

(2) NOTICE REQUIRED.

The trustee shall give not less than 20 days written notice by mail to such creditors and interested parties who are entitled to notice of the particular matter, unless the Court for cause shown shortens the time or otherwise modifies or limits notice pursuant to an application under Local Bankruptcy Rule 113. The content of the notice must comply with Bank.Rule 2002(c). The notice shall state that any objection or request for hearing must be filed and served not more than 15 days after service of the notice, unless the notice specifies a longer period or unless otherwise ordered by the Court. If no objection and request for hearing is timely filed and served, the trustee may take the proposed action on the date specified in the notice of intent.

(3) PROCEDURE UPON OBJECTION OR REQUEST FOR HEARING.

If a timely objection and request for hearing is filed and served, the trustee shall, within 20 days from the date of service of such objection, contact the Court and obtain and give notice of a hearing date to those entities objecting and to the United States Trustee. The proceedings in such matters shall be governed by Local Bankruptcy Rule 111(7)(a).

PART III: PREPARATION FOR CONTESTED HEARING OR TRIAL

RULE 119. EARLY MEETING OF COUNSEL

(1) TIME OF EARLY MEETING.

In all proceedings governed by Part VII of the Bank.Rules in which plaintiff estimates that trial will exceed 4 hours or where the matter in controversy exceeds the sum or value of $10,000 exclusive of interest and costs, the parties shall comply with this Local Bankruptcy Rule, unless all defendants have defaulted. The plaintiff shall serve with the summons and complaint, a notice that compliance with this rule is required. The plaintiff shall file the proof of service of the notice together with the proof of service of the summons and complaint. Counsel for the parties shall meet in person or by telephone for the purposes set forth below. Such meeting shall take place no later than the date all defendants have appeared or defaulted or sixty days from the date of the first appearance of any defendant, whichever occurs first. Where there are multiple defendants, counsel for the plaintiff shall take all reasonable steps to schedule the meeting or conference call so that counsel for all parties can attend. Where necessary in multi-defendant cases and upon a showing of good cause, counsel may apply for one reasonable extension of time within which to hold the early meeting.

(2) PURPOSE OF MEETING.

At the meeting required by this Rule, the parties shall:

(a) Documents. Exchange all documents then reasonably available to a party which are then contemplated to be used in support of the allegations of the pleadings filed by the party. Relevant documents later shown to be reasonably available to a party and not exchanged may be subject to exclusion at the time of trial.

(b) Discovery. Exchange preliminary schedules of discovery.

(c) Other Evidence. Exchange any other evidence then reasonably available to a party to obviate the filing of unnecessary discovery motions.

(d) List of Witnesses. Exchange a list of witnesses then known to have knowledge of the facts supporting the material allegations of the pleading filed by the party. The parties will then be under a continuing obligation to advise the opposing party of other witnesses as they may become known.

(e) Settlement. Discuss settlement of the proceeding.

RULE 120 DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR ADMISSIONS.

(1) DEPOSITIONS.

(a) Custody of Original Transcript. The original transcript of a deposition shall, unless otherwise stipulated to on the record at the deposition, after signing and correction, or waiver of the same, be sent to the attorney noticing the deposition. Upon request of any party intending to offer deposition evidence at a contested hearing or trial, the original transcript shall be sent to that party for marking in compliance with subparagraph (b) of this rule.

(b) Use of Deposition Evidence in Contested hearing or Trial. Each party intending to offer any evidence by way of deposition testimony pursuant to FRCP Rule 32 and F.R.Evid. Rules 803 or 804 shall:

(i) Lodge the original deposition transcript with the Clerk at least ten days before the hearing or trial at which it is to be offered.

(ii) Identify on the original transcript the testimony the party intends to offer by bracketing in the margins the questions and answers that the party intends to offer at trial. The opposing party shall likewise countermark any testimony that it plans to offer. The parties shall agree between themselves on a separate color to be used by each party which shall be consistently used by that party for all depositions marked in the cases.

(iii) Mark objections to the proffered evidence of the other party in the margins of the deposition by briefly stating the ground for the objection.

(iv) Serve and file notice of the portions of the deposition marked or countermarked by stating the pages and lines so marked, objections made and the grounds indicated therefor. Such notice shall be provided within five days after the party has marked and countermarked or objected to the deposition evidence.

In appropriate cases and when ordered by the Court, the parties shall jointly prepare a deposition summary to be used in lieu of question and answer reading of a deposition at trial.

(2) INTERROGATORIES AND REQUESTS FOR ADMISSIONS.

No party shall, without leave of the Court and for good cause shown, serve more than thirty interrogatories (including all subparts) on any other party. An application for leave to serve additional interrogatories may be made pursuant to regularly noticed motion under Local Bankruptcy Rule 111. Interrogatories and requests for admissions shall be numbered sequentially without repeating the numbers used on any prior set of interrogatories or requests for admissions propounded by that party. The party answering or objecting to interrogatories or requests for admissions shall quote each interrogatory or request in full immediately preceding the statement of any answer or objection thereto. The original of the interrogatories, requests for admissions or requests for the production of documents or to inspect tangible things shall be held by the attorney propounding the interrogatories or requests pending use pursuant to this rule or further order of the Court.

(3) DISCOVERY DOCUMENTS - PROOF OF SERVICE - FILING.

The following discovery documents and proof of service thereof shall not be filed with the Clerk until there is a proceeding in which the document or proof of service is in issue:
(a) Transcripts of depositions upon oral examination;
(b) Transcripts of depositions upon written questions;
(c) Interrogatories;
(d) Answers or objections to interrogatories;
(e) Requests for the production of documents or to inspect tangible things;
(f) Responses or objections to requests for the production of documents or to inspect tangible things;
(g) Requests for admissions;

(h) Responses or objections to requests for admission;

(i) Notices of Deposition, unless filing is required in order to obtain issuance of a subpoena in another district; and

(j) Subpoenae or Subpoenae Deuces Tecum.

When required in a proceeding, only that part of the document which is in issue shall be filed. When filed, discovery documents must be submitted with (and preferably rubber-banded to) a notice of filing that identifies the date, time and place of the hearing or trial in which it is to be offered. Requests for admission and interrogatories must comply with the form requirement of Local Bankruptcy Rule 103. Original transcripts of depositions, however, may be bound on the left side, and do not have to be hole-punched or backed. Original depositions transcripts will be treated as trial exhibits and will be delivered to the Judge for the hearing or trial. Only an original of a deposition transcript is required, although a copy should also be submitted if available. All such discovery documents shall be held by the attorney pending use pursuant to this Local Bankruptcy Rule for the period specified in Local Bankruptcy Rule 137(2) for the retention of exhibits, unless otherwise ordered by the Court.

(4) DISCOVERY DOCUMENTS - DISCLOSURE.

Unless an applicable protective order otherwise provides, any entity may obtain copies of any discovery document described in subparagraph (3) of this rule by making a written request therefor to the Clerk and paying the reasonable cost of duplication. The Clerk shall give notice of the request to all parties in the case or proceeding, and the party holding the original of the requested discovery document shall lodge the original or an authenticated copy with the Clerk within ten days after service of the Clerk's notice. Promptly after duplication, the Clerk shall return the original to the party who provided it.

RULE 121. STATUS CONFERENCE, PRE-TRIAL AND TRIAL PROCEDURE.

The procedures required by this rule modify and take the place of the procedures set forth in F.R.Civ. P. Rule 16(b).

(1) STATUS CONFERENCES

In any adversary proceeding, the Clerk shall issue summons and notice of the date and time of the status conference.

(a) Who Shall Appear. Each party appearing at any status conference shall be represented by either the attorney (or the party if *pro se*) who is responsible for trying the case or the attorney who is responsible for preparation of the case for trial.

(b) Contents of Joint Status Report. Unless otherwise ordered by the Court, at least ten days before the date set for each status conference, the parties are mutually required to file a Joint Status Report discussing the following:

- (i) State of discovery, including a description of completed discovery and detailed schedule of all further discovery then contemplated;
- (ii) A discovery cut-off date;
- (iii) A schedule of then contemplated law and motion matters;
- (iv) Prospects for settlement;
- (v) A proposed date for the Pre-Trial Conference and/or the Trial;
- (vi) Whether and when counsel have met and conferred in compliance with Local Bankruptcy Rule 119;
- (vii) Any other issues affecting the status or management of the case;

If defendant has not responded to the complaint or fails to cooperate in the preparation of a joint status report, then plaintiff shall file a unilateral status report not less than eight Court days before the date set for each status conference, unless otherwise ordered by the

Court.

(c) Scheduling Order. Unless otherwise ordered by the Court, within seven Court days after the status conference, the plaintiff shall submit a Scheduling Order setting forth the following:

- (i) Deadline to join other parties and to amend the pleadings;
- (ii) Deadline to complete discovery;
- (iii) Deadline to file joint pre-trial order and any pre-trial motions;
- (iv) Any dates set for further status conferences, a final pre-trial conference, and the trial;
- (v) Any other appropriate matter.

(2) JOINT PRE-TRIAL ORDER.

(a) When required. In any adversary proceeding or contested matter, unless otherwise ordered by the Court, attorneys for the parties shall prepare and file a written Joint Pre-Trial Order approved by counsel for all parties. Unless otherwise specified by the Court, the Joint Pre-Trial Order shall be filed and served not less than 14 days before the date set for the pre-trial. Preparation and filing of the Pre-Trial Order shall be the responsibility of the parties' counsel, and it shall be equally the responsibility of the parties themselves if the parties are not represented by counsel. All parties shall meet and confer at least 21 days before the date set for trial or pre-trial conference for the purpose of preparing the Pre-Trial Order.

(b) Contents of Pre-Trial Order. Said order shall include the following statements in the following order:

- (i) "The following facts are admitted and require no proof:" (set forth a concise statement of each.);
- (ii) "The following issues of fact, and no others, remain to be litigated:" (Set forth a concise statement of each.);
- (iii) The following issues of law, and no others, remain to be litigated:" (Set forth a concise statement of each.);

(iv) "Attached is a list of exhibits intended to be offered at the trial by each party, other than exhibits to be used for impeachment only. The parties have exchanged copies of all exhibits." (Attach a list of exhibits in the sequence to be offered, with a description of each, sufficient for identification, and as to each state whether or not there is objection to its admissibility in evidence and the nature thereof.) If deposition testimony is to be offered as part of the evidence, the offering party shall comply with Local Bankruptcy Rule 120(1);

(v) "The parties have exchanged a list of witnesses to be called at trial." The parties shall exchange a list of names and addresses of witnesses, including expert witnesses, to be called at trial other than those contemplated to be used for impeachment or rebuttal. The lists of witnesses shall be attached to the proposed Joint Pre- Trial Order and shall describe concisely the subject of their proposed testimony. If expert witnesses are to be called at trial, the parties shall exchange short narrative statements of the qualifications of the expert and the testimony expected to be elicited at trial. If reports of experts to be called at trial have been prepared, they shall be exchanged but shall not substitute for the narrative statement required.

(vi) "Other matters that might affect the trial, such as anticipated motions _in limine_ or other pre- trial motions.

(vii) "All discovery desired to be conducted has been completed.";

(viii) "The parties are ready for trial.";

(ix) "The estimated length of trial is ______ _________."

(x) "The foregoing admissions have been made by the parties, and the parties have specified the foregoing issues of fact and law remaining to be litigated. Therefore, this order shall supersede the pleadings and govern the course of trial of this cause, unless modified to prevent manifest injustice."

(3) PLAINTIFF'S DUTY.

It shall be the duty of plaintiff to prepare and sign a proposed Joint Pre-Trial Order and to serve it in such manner so that it will actually be received by the office of counsel for all other parties not later than 4 P.M. on the fifth Court day prior to the last day for filing said proposed Pre-Trial Order. The order as proposed by plaintiff shall be complete in all respects except for other parties' lists of exhibits and witnesses.

(4) DUTY OF PARTIES OTHER THAN PLAINTIFF.

Within three Court days following other parties' receipt of plaintiff's proposed order, it shall be the duty of each other party:

(a) Agreement With Form of Proposed Order. If plaintiff's proposed order is satisfactory, to attach that party's list of exhibits and witnesses to the order, to indicate approval of the proposed order by signature, to file it with the clerk in time to be received within the time prescribed in paragraph (2)(a) of this Local Bankruptcy Rule, and to serve all other parties with a completed copy of the order so filed; or

(b) Disagreement With Form of Proposed Order. If plaintiff's proposed order is unsatisfactory:

  (i) Immediately to meet with or telephone plaintiff in a good faith effort to achieve a joint proposed order; and

  (ii) If such effort is unsuccessful, to prepare a separate proposed order and file it, together with plaintiff's order and a declaration of that party setting forth the efforts made to comply with subparagraph (i) immediately above. These shall be filed and served in such a manner that they will actually be received by the Clerk and the plaintiff all within the time set forth in paragraph (2)(a) of this rule.

(5) NON-RECEIPT OF PROPOSED JOINT PRE-TRIAL ORDER.

If parties other than plaintiff have not received plaintiff's proposed pre-trial order by ten Court days before the trial or pre-trial, it shall be the duty of each such other party to prepare, file and serve a unilateral proposed Pre-Trial Order in compliance with subparts (2) and (4)(b)(ii) of this rule, at least five Court days before the trial or pre-trial.

(6) SANCTIONS FOR FAILURE TO COMPLY WITH THIS RULE.

If a joint proposed Pre-Trial Order has not been filed within the time set forth in paragraph (1) above, the Court may do any or all of the following:

(a) Continue the trial date, if no prejudice is involved to the party who is not at fault;

(b) Award monetary sanctions including attorneys' fees against the party at fault, payable to the party not at fault. Said sanctions shall be assessed against the party at fault and/or counsel, in the Court's discretion;

(c) Award non-monetary sanctions against the party at fault. These may include the entry of a judgment of dismissal or the entry of an order striking the answer and entering a default.

(7) FAILURE TO APPEAR AT HEARING OR PREPARE FOR TRIAL.

Failure of counsel for any party to appear before the Court at status conference or pre-trial conference or to complete the necessary preparations therefor or to appear at or to be prepared for trial may be considered an abandonment or failure to prosecute or defend diligently, and judgment may be entered against the defaulting party either with respect to a specific issue or as to the entire proceeding.

RULE 122. TRIAL BRIEFS AND EXHIBITS.

(1) TRIAL BRIEFS.

Unless otherwise ordered by the Court, at least five Court days before trial is scheduled to commence, each counsel may file and serve a trial brief which may contain:

(a) A concise statement of the facts of the case;
(b) All admissions and stipulations;
(c) A short summary of the points of law involved, citing authorities in support thereof; and
(d) Any anticipated evidentiary problems.

In appropriate cases, the Court may require submission of trial briefs.

(2) TRIAL EXHIBITS.

Unless otherwise ordered by the Court, all trial exhibits shall be numbered as set forth in Local Bankruptcy Rule 103(6) and marked for identification with tags available from the Clerk's office.

It shall be the responsibility of all parties presenting exhibits to tag the exhibits and prepare an "exhibit register" on the form available from the Clerk's office prior to the hearing.

The tagged exhibits and completed "exhibit register" are to be turned over in the courtroom to the Courtroom Deputy or court recorder prior to the beginning of the hearing.

Each party shall bring sufficient copies of each exhibit for all counsel, the witness and the Judge.

RULE 123. JURY TRIALS.

(1) NUMBER OF JURORS.

If a trial of the proceeding or matter is to be before a jury, the jury shall consist of six members. The Court may impanel such number of alternate jurors as it determines desirable.

(2) INSTRUCTIONS.

Proposed jury instructions shall be in writing and shall be filed and served at least seven days before trial is scheduled to begin. Each requested jury instruction shall comply with the following:

(a) Be set forth in full on a separate page;
(b) Embrace only one subject or principle of law;
(c) Not repeat the principles of law contained in any other request.

The identity of the party requesting the jury instructions shall be set forth on a cover page only and shall not be disclosed on the proposed instructions. The authority or source of each proposed instruction shall be set forth on a separate page or document and shall not be disclosed on the proposed instruction.

(3) JURY TRIAL INSTRUCTIONS - OBJECTIONS.

Objections to proposed instructions shall be filed and served on or before the first day of trial unless the Court permits oral objections. Written objections shall be numbered and shall specify distinctly the objectionable matter in the proposed instruction. Each objection shall be accompanied by citation of authority. Where applicable, the objecting party shall submit an alternative instruction on a separate piece of paper. The alternative instruction shall cover the subject or principle of law and shall not disclose the identity of the requesting party or the authority or source of the proposed instruction.

(4) SPECIAL VERDICTS AND INTERROGATORIES.

RULE 123

Any request for a special verdict or a general verdict accompanied by answers to interrogatories shall be filed and served at least five days before trial is scheduled to commence. Special verdicts and interrogatories shall conform to the requirements of F.R.Civ.P. 49. Special verdicts and interrogatories shall not bear any identification of the party presenting the form. Identification shall be made only on a separate page appended to the front of the special verdict and interrogatory form.

RULE 124

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PART IV:

CLERK'S OFFICE AND MISCELLANEOUS PROCEDURES

RULE 130. TAXATION OF COSTS

(1) WHO MAY BE AWARDED COSTS.

When costs are allowed by the Bank.Rules or other applicable law, the Court may award costs to the prevailing party. Counsel are admonished to review 28 U.S.C. § 1927 regarding counsel's liability for excessive costs.

The prevailing party shall be defined as follows:

(a) Recovery on Complaint. The plaintiff is the prevailing party when it recovers on the entire complaint.

(b) Dismissal or Judgment in Favor of Defendant. The defendant is the prevailing party when the proceeding is terminated by Court-ordered dismissal or judgment in favor of defendant.

(c) Partial Recovery. The Court shall determine the prevailing party when there is a partial recovery or a recovery by more than one party.

(d) Voluntary Dismissal. The Court shall determine the prevailing party when the case or proceeding is voluntarily dismissed or otherwise voluntarily terminated.

(e) Offer of Judgment. If a party defending against a claim files under seal a written offer of judgment before trial and the judgment finally obtained by the offeree is not more favorable than the offer, the party offering the judgment is the prevailing party.

No costs shall be allowed unless a party qualifies as, or is determined by the Court to be, the prevailing party under this Local Bankruptcy Rule.

(2) BILL OF COSTS.

The prevailing party who is awarded costs shall have 15 days after entry of judgment to file and serve a Bill of Costs. Each item claimed shall be set forth separately in the Bill of Costs. The prevailing party, or the party's attorney or agent having knowledge of the facts shall file a declaration with the Bill of Costs. The declaration shall verify that:

(a) The items claimed as costs are correct;
(b) The costs have been necessarily incurred in the case;
(c) The services for which fees have been charged were actually and necessarily performed; and
(d) The costs have been paid or the obligation for payment has been incurred.

(3) ITEMS TAXABLE AS COSTS.

The following items are taxable as costs:

(a) Filing Fees. The Clerk's filing fees.

(b) Fees for Service of Process. Fees for service of process (whether served by the United States Marshal or in any other manner authorized by Bank.Rule 7004).

(c) United States Marshal's Fees. Fees paid to the United States Marshal, including:
  (i) Fees paid pursuant to 28 U.S.C. § 1921;
  (ii) Charges connected with caring for property attached, replevied, libeled, or held pending stay or execution; and
  (iii) The United States Marshal's commission on collections paid to creditors. That commission shall be 1% of the amount up to $1,000.00 and 1/2 of 1% on the amount in excess of $1,000.00, but not less than $2.50 for any collection.

(d) Clerk's Fees. Fees for certification of documents necessary for preparation for a hearing or trial.

(e) Transcripts and Tapes. The cost of the original and one copy of all or any part of a trial transcript, daily transcript or a transcript of matters occurring before or after trial, if requested by the Court or prepared pursuant to stipulation. Cost of copies of Recorder's tapes, if requested by the Court or obtained pursuant to stipulation.

(f) Depositions. Costs incurred in connection with taking depositions, including:
  (i) The cost of the original and one copy of all depositions taken for any purpose in connection with the case;
  (ii) The reasonable fees of the deposition reporter, the notary, and any other persons required to report or transcribe the deposition;
  (iii) Reasonable witness fees paid to a deponent, including fees actually paid to an expert witness deponent pursuant to F.R.Civ.P. 26(b)(4)(C);
  (iv) Reasonable fees paid to an interpreter when necessary to the taking of the deposition; and
  (v) The cost of copying or reproducing exhibits used at the deposition and made a part of the deposition transcript.

(g) Witness Fees. Fees paid to witnesses, including:
  (i) Per diem, mileage, subsistence and attendance fees as provided in 28 U.S.C. § 1821 paid to witnesses subpoenaed or actually attending the proceeding;
  (ii) Witness fees for a party if required to attend by opposing party; and
  (iii) Witness fees for officers and employees of a corporation if they are not parties in their individual capacities.

(h) Interpreter's and Translator's Fees. Fees paid to interpreters and translators, including:
  (i) The salaries, fees, expenses and costs of an interpreter as provided by 28 U.S.C. §§ 1827 and 1828; and
  (ii) Fees for translation of documents received in evidence, used as part of the proceeding or when otherwise reasonably necessary to the preparation of the case.

(i) Docket Fees. Docket fees as provided by 28 U.S.C. § 1923.

(j) Certification, Exemplification and Reproduction of Documents. Document preparation costs, including:
  (i) The cost of copies of an exhibit attached

to a document necessarily filed and served;

(ii) The cost of copies of documents admitted into evidence when the original is not available or the copy is substituted for the original at the request of an opposing party;

(iii) Fees for an official certification of proof respecting the non- existence of a document or record;

(iv) Patent Office charges for the patent file wrappers and prior art patents necessary to the prosecution or defense of a proceeding involving a patent;

(v) Notary fees incurred in notarizing a document when the cost of the document is taxable; and

(vi) Fees for necessary certification or exemplification of any document.

(k) Premiums on Undertakings and Bonds. Premiums paid on undertakings, bonds, security stipulations, or substitutes therefor where required by law, Court order, or where necessary to enable a party to secure a right granted in the proceeding.

(l) Other Costs. Upon order of the Court, the following items may be taxed as costs:

(i) Summaries, computations, polls, surveys, statistical comparisons, maps, charts, diagrams and other visual aids reasonably necessary to assist the jury or the Court in understanding the issues at the trial;

(ii) Photographs, if admitted in evidence or attached to documents necessarily filed and served upon the opposing party; and

(iii) The cost of models if ordered by the Court in advance of or during trial.

(m) Removed Cases. Costs incurred in state court prior to removal which are recoverable under state statutes shall be recoverable by the prevailing party in this Court.

(n) Costs on Appeal. Costs on appeal taxable in the Bankruptcy Court or District Court shall be governed by Federal Rules of Appellate Procedure 39(e). Such costs bill shall be filed within 15 days of the filing and spreading of the mandate of the Court of Appeals in the District Court, or of the Bankruptcy Appellate Panel or District Court in the Bankruptcy Court.

(4) OBJECTIONS TO BILL OF COSTS.

A party dissatisfied with the costs claimed may, within five Court days after the service of a copy of the Bill of Costs, file and serve an objection to having the same taxed. The grounds for objection shall be specifically stated.

(5) ENTRY OF COSTS; EXECUTION.

If no objection to the Bill of Costs is timely filed or as soon as practicable after the Order on the objection to the Bill of Costs becomes final, the Clerk shall insert the amount into the blank left in the judgment for that purpose, and shall enter a similar notation on the docket sheet.

The Clerk shall, upon request, issue a writ(s) of execution to recover either costs or attorney's fees included in the judgment:

(a) Upon presentation of a certified copy of the final judgment in the Bankruptcy Court or in the District Court; or

(b) Upon presentation of a mandate of the District Court, Bankruptcy Appellate Panel, or Court of Appeals to recover costs taxed by the Appellate Court.

(6) MOTION FOR ATTORNEYS' FEES.

If not previously determined at trial or other hearing, any motion for attorney's fees shall be served and filed within 30 days after the entry of judgment or other final order, unless otherwise ordered by the Court. Such motions and their disposition shall be governed by Local Bankruptcy Rule 111.

RULE 131. SEIZURE OF PERSONS AND PROPERTY.

All writs or other process issued for the seizure of persons or property pursuant to F.R.Civ.P. 64 and 69 shall be issued, attested, signed and sealed as required for writs issued out of this Court. Any writ or other process for seizure in a civil action shall only be directed to, executed and returned by the United States Marshal or by a state or local law enforcement officer authorized by state law or a private person specially appointed by the Court for that purpose. An order of Court requiring entry upon private premises without notice shall only be executed by the United States Marshal, a state or local law enforcement officer, or a private person specially appointed by the Court for that purpose. If a writ or other process is to be executed by a private person, the private person shall be accompanied by a United States Marshal or a state or local law enforcement officer, who shall be present upon the premises during the execution of the order.

RULE 132. MINORS OR INCOMPETENTS.

Local District Court Rule 20 is incorporated by reference.

RULE 133. PAYMENT OF FILING FEES IN INSTALLMENTS.

(1) ORDER FOR PERMISSION.

A voluntary petition under Chapter 7, 11, 12 or Chapter 13 filed by an individual shall be accepted by the Clerk without the filing fees only if accompanied by an order signed by a Judge authorizing payment of the filing fees in installments. The debtor shall personally appear before a designated Judge at the appropriate court site at a time prescribed by the Court on any Court day to present his or her written application and declaration, and order thereon. The application must also be accompanied by a declaration under penalty of perjury on a form prescribed by the Clerk stating whether the debtor received assistance in preparing the petition and whether the debtor paid anyone for such assistance. The applicant must present personal identification in the form of a California driver's license, California identification card, or other similar form of identification satisfactory to the Clerk. An order permitting payment of filing fees in installments will not normally be granted if the debtor has paid any consideration to an attorney or other person for services in connection with the case, or if the primary reason for filing is to forestall eviction from residential premises occupied on a month-to-month tenancy or on tenancy at will. Compliance with Local Bankruptcy Rule 111 is not required.

(2) ACTION ON INSTALLMENT ORDER.

After the petition accompanied by an order authorizing payment of filing fees in installments is filed, an order fixing the number of installments and the amount and date of payment of each installment shall be entered. The number of installments permitted shall not exceed four, and the final installment shall be payable not later than three months after the filing of the petition. For cause shown, however, the Court may extend the time for payment of any installment to a date not later than six months after the date of filing of the petition. Failure of the debtor to pay any installment when due may be grounds for dismissal of the case upon notice and hearing.

RULE 134. DEPOSIT IN COURT

(1) NOTICE TO CLERK.

Whenever the Court orders that money deposited into Court shall be deposited by the Clerk in an interest-bearing account, the party seeking the order shall forthwith personally serve a copy of such order upon the Clerk or the Chief Deputy Clerk. Failure of the party seeking an order of deposit to an interest-bearing account to serve the Clerk or Chief Deputy Clerk with a copy of the order shall release the Clerk from any liability for loss of interest upon the money subject to the order of deposit.

(2) AUTHORIZED DEPOSITORIES.

Unless otherwise ordered by the Court, the Clerk shall deposit money pursuant to an order of deposit in any institution that the United States Trustee's office has authorized for deposit of funds administered by debtors in possession or appointed trustees, subject to the same terms and conditions as for such funds. The Clerk may also invest such money in United States treasury bills.

(3) TIMING OF DEPOSIT.

The Clerk shall deposit the money pursuant to an order of deposit as soon as practicable following service of a copy of the order by the party seeking the order.

RULE 135. BONDS OR UNDERTAKINGS.

(1) BONDS OR UNDERTAKINGS - SURETIES - QUALIFICATION.

(a) Bond on Removal. The bond on removal under Bank.Rule 9027 shall be $2,500 unless otherwise ordered by the Court. Upon the effective date of the proposed amendment to Bank. Rule 9027 that eliminates the requirement for a bond on removal, the removal bond requirement of this local rule shall be abrogated in its entirety.

(b) Third-Party Sureties. No bond or undertaking requiring third-party sureties shall be approved unless it bears the names and addresses of sufficient third-party sureties and is accompanied by a declaration stating that:
- (i) The surety is a resident of the State of California;
- (ii) The surety owns real property within the State of California;
- (iii) The surety is worth the amount specified in the bond or undertaking, over and above just debts and liabilities; and
- (iv) The property is not exempt from execution. If specifically approved by the Court, real property in any other state of the United States may be part of the surety's undertaking.

(c) Terms and Conditions for Corporate Sureties. Before any corporate surety bond or undertaking is accepted by the Clerk, the corporate surety must have on file with the District Court clerk or the Clerk a duly authenticated copy of a power of attorney appointing the agent executing the bond or undertaking. The appointment shall be in a form to permit recording in the State of California.

(d) Ineligible Persons. No Clerk, deputy clerk, marshal, magistrate, Judge, attorney, or other officer of this Court will be accepted as surety upon any bond or undertaking in any action or proceeding in this Court.

(e) Cash in Lieu of Bond. Cash may be deposited with the Clerk in lieu of any bond or undertaking requiring a personal or corporate surety. Such cash deposit shall be subject to all of the provisions of this Local Bankruptcy Rule, Bank.Rules and the F.R.Civ.P. applicable to bonds and undertakings.

(2) CERTIFICATE BY ATTORNEY.

A bond or undertaking presented by the Clerk for acceptance must be accompanied by a certificate by the attorney for the presenting party in substantially the following form:

"This bond (or undertaking) has been examined pursuant to Local Bankruptcy Rule 135 and is recommended for approval. It (is)(is not) required by law to be approved by a Judge.

____________ ______________________"
Date Attorney

A certificate by an attorney made pursuant to this Local Bankruptcy Rule certifies to the Court that
- (a) The attorney has carefully examined the document;
- (b) The attorney knows the content of the document;
- (c) The attorney knows the purpose for which the document is executed;
- (d) In the attorney's opinion, the document is in due form;
- (e) The attorney believes the declarations of qualification by the surety are true; and
- (f) The attorney has determined whether the document is required by law to be approved by a Judge.

(3) APPROVAL OF JUDGE.

If a bond or undertaking is required by law to be approved by a Judge, it shall be presented to the Judge with the attorney's certificate required by this Local Bankruptcy Rule before it is filed by the Clerk.

(4) CONSENT TO SUMMARY ADJUDICATION OF OBLIGATION.

RULE 135

A bond or undertaking presented for filing shall contain the consent and agreement for the surety that in case of default or contumacy on the part of the principal or surety, the Court may upon ten days' notice proceed summarily and render a judgment in accordance with the obligation undertaken and issue a writ of execution upon that judgment.

An indemnitee or party in interest seeking a judgment on a bond or undertaking shall proceed by Motion for Summary Adjudication of Obligation and Execution. Service of the motion on personal sureties shall be made pursuant to F.R.Civ.P. 5(b). Service shall be made on a corporate surety as provided in 6 U.S.C. § 7.

RULE 136 CONDUCT IN COURTROOM AND ENVIRONS.

(1) PROHIBITION OF BROADCASTING, TELEVISION, PHOTOGRAPHY.

Unless otherwise ordered by the Court, between 7:00 o'clock A.M. and 7:00 o'clock P.M., Monday through Friday, and at all other times when the Court is in session, the use of any forms, means or manner of radio or television broadcasting and the taking or making of photographs, motion pictures, video or sound recordings is prohibited in

(a) Any and all courtrooms occupied by any Judge,
(b) Any and all chambers assigned to any Judge;
(c) Any and all areas used by the Clerk and Court staff;
(d) Any garage or parking facility reserved for the Judges or their staff; and
(e) All hallways and public areas adjacent to the above-specified locations.

(2) EXCEPTIONS.

This Local Bankruptcy Rule does not prohibit:

(a) Recordings made by official court recorders in the performance of their official duties. No other use may be made of an official recording of a court proceeding without an express, written order of the Court.
(b) The taking of photographs, when specifically authorized, at ceremonial functions or non-judicial functions in the chambers of a Judge of this Court.
(c) The videotaping or other electronic recording of depositions for trial purposes, nor the preparation and perpetuation of testimony taken by or under the direction of a Judge of this Court. No part of such videotape or other electronic recording shall be used without an express, written order of the Court.
(d) The possession of video or sound recording, photographic, radio or television broadcasting equipment. Any equipment taken into or through the areas enumerated in this Local Bankruptcy Rule is subject to such security regulations as may be adopted from time to time by the Court.

(3) ENFORCEMENT OF RULE.

The United States Marshal, the General Service Administration police, and the security force contracted for service in the United States Courthouse shall enforce the provisions of this Local Bankruptcy Rule. A violation of this Local Bankruptcy Rule shall constitute contempt of Court.

RULE 137 RECORDS AND FILES; DISPOSITION OF EXHIBITS.

(1) RECORDS AND FILES.

(a) When Order Required. No records or objects belonging to the files of the Court may be taken from the office or custody of the Clerk except upon written order of the Court.

(b) Form of Receipt. Any person removing records pursuant to this Local Bankruptcy Rule shall give the Clerk a descriptive receipt containing the following:

- (i) The name, address and telephone number of the person removing the records or objects;
- (ii) An itemized description of the records or objects removed;
- (iii) The date of removal;
- (iv) The place in which records or objects will be used or kept; and
- (v) The estimated date of return to the Clerk of the records or objects.

(c) Exception for Court Staff. The provisions of this Rule shall not apply to a Judge, members of a Judge's staff, United States Magistrate, court reporter, court recorder, Clerk or Clerk's staff, or Courtroom Deputy requiring records or objects in the exercise of their official duty. Any court officer removing records or objects shall provide the Clerk with a receipt indicating the information required above.

(2) DISPOSITION OF EXHIBITS.

All models, diagrams, documents or other exhibits lodged with the Clerk that are admitted into evidence or marked at trial shall be retained by the Clerk until expiration of the time for appeal, or, where no appeal is taken, entry of a stipulation waiving or abandoning the right to appeal, final disposition of the appeal, or order of the Court, whichever occurs first. The Clerk shall thereafter return such exhibit (except contraband) to the person or persons to whom it belongs. If any exhibit is not withdrawn from the Clerk's office within 30 days after the person or persons to whom it belongs are given written notice to claim it, the Clerk may destroy the exhibit or otherwise dispose of it as the Court may approve.

(3) REMOVAL OF CONTRABAND.

Contraband of any kind coming into the possession of the Clerk shall be returned to an appropriate governmental agency which shall destroy or otherwise dispose of the contraband as provided by law. The agency shall give the Clerk the receipt required by this Local Bankruptcy Rule.

(4) DISCLOSURE OF CONFIDENTIAL COURT RECORDS.

No confidential record of the Court maintained by the Clerk shall be disclosed except upon written order of the Court. An application for disclosure of confidential court records shall be made by written petition to the Court filed by the party seeking disclosure. That petition shall set forth with particularity the need for specific information in such records. The procedures of Local Bankruptcy Rule 111 shall govern the hearing of any such petition.

RULE 138 LOCAL PRACTICE AND CLERK'S FORMS.

The Court may approve pre-printed practice forms for use in this Court. Approved forms are attached as Appendix IV to the Local Bankruptcy Rules and are available in the Clerk's office. Forms should be reproduced on one side of the paper only. Two-sided forms will not be accepted, except for single-page forms filed by the chapter 7, 12 or 13 trustees or the United States Trustee, and court-approved forms for summons, notice of motion for relief from stay, and subpoena.

Proposed new forms or modifications to existing forms may be submitted by any interested party to the chief bankruptcy judge, who will forward them to the chair of the Judges Rules Committee for review and recommendations. The Judges Rules Committee shall invite comment from the United States Trustee, the Clerk, and members of the bar before making its recommendations to the bankruptcy judges as a group. A majority of all bankruptcy judges in the district must approve each proposed form.

RESERVED

PART V: CASE ADMINISTRATION

RULE 140. REQUIREMENTS OF CHAPTER 11 DEBTOR IN POSSESSION OR CHAPTER 11 TRUSTEE.

(1) REPORTS BEFORE CONFIRMATION OF PLAN.

The debtor in possession or chapter 11 Trustee shall provide the Office of the United States Trustee with reports covering financial, management, operational and such other information as the United States Trustee requests in writing as necessary to properly supervise the administration of a Chapter 11 case pursuant to the U.S. Trustee Guidelines. Timely compliance with the reasonable requirements of the United States Trustee is mandatory. The United States Trustee may, at any time during the pendency of a case, add or delete requirements where such modifications are necessary or appropriate.

(2) DISBURSEMENTS.

All disbursements of an estate shall satisfy the reasonable requirements of the United States Trustee with respect to form, maintenance of records, and reporting requirements as set forth in the U.S. Trustee Guidelines.

(3) DUTIES UPON CONVERSION TO CHAPTER 7.

Upon entry of an order converting a case to one under Chapter 7, the Debtor in Possession or Chapter 11 Trustee, if any, shall:

(a) Secure, preserve and refrain from disposing of property of the estate;
(b) Contact the Chapter 7 Trustee and arrange to deliver property of the estate and all books and records to the Trustee or the Trustee's designated agent, and
(c) Within 5 days after entry of said order, file and serve upon the United States Trustee and the Chapter 7 Trustee, a verified schedule of all property of the estate as of the conversion date.

RULE 141 EMPLOYMENT AND COMPENSATION OF DEBTOR AND PROFESSIONAL PERSONS

(1) EMPLOYMENT OF DEBTOR IN CHAPTER 11 CASES.

No compensation or other remuneration shall be paid from the assets of the estate to the debtor, or if a partnership to any of the partners, or if a corporation to any present or former officer, director or stockholder thereof, from the time of the filing of the petition until the confirmation of a plan unless such employment and the basis of compensation have first been authorized by the United States Trustee or approved by the Court after an application for approval by the United States Trustee has been denied in whole or in part. The requested compensation is subject to modification as determined by the United States Trustee. The United States Trustee shall act as promptly as possible on any request for approval of compensation or other remuneration or any change therein. Any application for such compensation shall disclose, under oath, all income from any source of compensation for services related to the bankruptcy case.

(2) EMPLOYMENT OF PROFESSIONAL PERSONS

(a) Applications for Employment. All applications for employment of professional persons shall comply with the requirements of Bankr.Rule 2014. Such applications shall be accompanied by a declaration of disinterestedness or disclosing the nature of any interest held by the applicant, signed by the person to be appointed. A timely application for employment is a prerequisite to compensation from the estate. An application for the employment of counsel for a debtor in possession should be filed as promptly as possible after the commencement of the case. Substitution of attorneys must also comply with Local Bankruptcy Rule 102 (6). If a Chapter 7 trustee seeks to retain himself or herself, or his or her own firm as counsel, the applications shall specify the reasons therefor in compliance with 11 U.S.C. § 327(d). Applications to retain auctioneers shall be accompanied by a declaration establishing that the auctioneer has complied with applicable bonding requirements.

(b) Review by the United States Trustee. All applications for orders approving employment of professional persons shall be submitted to the United States Trustee for review and comment prior to filing, unless otherwise ordered by the Court. A separate Comments page shall be included in the applications as required by the U.S. Trustee Guidelines. The United States Trustee shall promptly indicate on the Comments page of the original applications either:

(i) the U.S. Trustee has no objection;
(ii) the U.S. Trustee objects and requests a hearing;
(iii) an objection is raised, but a hearing is not required; or
(iv) the U.S. Trustee takes no position.

For purposes of determining the timeliness of the application, the date of filing will be deemed to relate back to the date of submission to the United States Trustee, unless otherwise ordered by the Court.

(3) INTERIM FEES FOR PROFESSIONAL PERSONS

(a) Form of Fee Applications. All applications for interim fees filed by attorneys, accountants, other professionals, and trustees or examiners shall contain the following or be accompanied by or make reference to an application that contains the following:

(i) A brief narrative history of the present posture of the case. In Chapter 11 cases, the information furnished shall describe the general operations of the debtor and whether the business of the debtor, if any, is being operated at a profit or loss, cashflow, whether a plan has been filed, and if not, what are the prospects for reorganization and when it is anticipated that a plan will be filed. In Chapter 7 cases, the application shall contain a report of the administration of the case including the disposition of property of the estate, what property remains to be disposed of, why the estate is not in a position to be closed, and whether it is feasible to pay an interim dividend to creditors. In both Chapter 7 or Chapter 11 cases, the application should show the amount of money on hand in the estate and the estimated amount of other accrued expenses of administration. At the hearing on applications for interim fees, the applicant should supplement the application by declaration or by testimony to inform the Court of the current financial status of the debtor's estate.

Fee Applications submitted by auctioneers, real estate brokers or appraisers do not have to comply with this subparagraph. For all other applications, when more than one application are noticed for the same hearing, they may incorporate by reference the narrative history furnished in one of the other contemporaneous applications.

(ii) The date of entry of the Order of the Court approving the employment of the individual or firm for whom payment of fees or expenses is sought and the date of the last fee application for the professional.

(iii) A listing of the amount of fees and expenses previously requested, those approved by the Court, and how much has been received.

(iv) A brief narrative statement of the services rendered and the time expended during the period covered by the fee application.

(v) A detailed listing of all time spent by the professional on matters for which compensation is sought, including the following:

A. Date service was rendered.

B. Description of service. It is not sufficient to merely state "Research", "Telephone Call", "Court Appearance", etc. Reference must be made to the particular persons, motions, discrete tasks performed and other matters related to such service. Summaries that list a number of services under only one time period will generally not be satisfactory.

C. Amount of time spent. Summaries are not adequate. Time spent is to be accounted for in tenths of an hour and is generally to be broken down in detail by the specific task performed. Lumping services together is generally not satisfactory.

D. Designation of the particular person who rendered the service. If more than one person's services are included in the application, specify which person performed each item of service.

(vi) An application that seeks reimbursement of expenses shall include a summary listing of all expenses by category (i.e. long distance telephone, copy costs, messenger and computer research). As to unusual or costly expense items, as to each such item, the application must state:

A. Date the expense was incurred;
B. Description of the expense;
C. Amount of the expense; and
D. Explanation of the expense.

(vii) The application shall contain a listing of the hourly rates charged by each person whose services form a basis for the fees requested in the application. The application must contain a summary indicating for each attorney by name:

(A) The hourly rate and the periods each rate was in effect;
(B) Total hours in this application for which compensation is sought; and
(C) Total fee due in this application.

(viii) A description of the professional education and experience of each of the individuals rendering services, including identification of the professional school attended, year of graduation, year admitted to practice, publications or other achievements, and explanation of any specialized background or expertise in bankruptcy-related matters.

(ix) If the hourly rate has changed during the period covered by the application, the application must specify which rate applies to which hours.

(b) Notice of Interim Fee Applications and Hearing. In all cases where the employment of more than one set of professionals has been authorized (e.g. attorneys and accountants for debtor in possession; creditors' committee counsel), the first professionals seeking approval of interim fees shall serve a notice of the intended hearing on other professionals which shall set the hearing date at least 45 days in advance and must include the following language in the notice of application:

"Other professional persons retained pursuant to Court approval may also seek approval of interim fees at this hearing, provided that they file and serve their applications in a timely manner. Unless otherwise ordered by the Court, hearings on interim fee applications will not be scheduled less than 120 days apart."

Notice shall be given by applicant or by the debtor in possession or trustee to all parties entitled to notice under Bankr. Rule 2002. The notice shall specify the identity of the professionals requesting fees, the period covered by the interim application, the specific amounts requested for fees and reimbursement of expenses, and the date, time and place of the hearing. In addition to the notice, copies of the complete application, together with all supporting papers, shall be served on the debtor, the debtor in possession, the trustee (if any), the official creditors committee, counsel for any of the foregoing, and the United States Trustee. Copies of the complete application must also be promptly furnished upon specific request to any other party in interest.

(4) FINAL FEE APPLICATIONS

(a) Who must file. All professional persons must file final fee applications.

(b) Contents. Motions for final fee awards shall contain the following:

(i) All information required of interim fee applications under Local Bankruptcy Rule 141(3);
(ii) A request for approval of all prior interim fee awards; and
(iii) A request for payment of any amounts previously allowed but unpaid pursuant to Local Bankruptcy Rule 141(3).

(c) When Filed; Notice Required in Chapter 11 Cases.

In chapter 11 cases, unless otherwise ordered by the Court, final fee applications must be filed and set for hearing as promptly as possible after confirmation of a plan.

(d) When Filed; Notice Required in Chapter 7 Cases.

(i) The chapter 7 trustee shall give at least 30 days written notice of his or her intent to file a Final Report and Account to the attorney for the debtor; the trustee's attorney and accountant, if any; and any other professional person entitled to claim compensation payable as an administrative expense of the estate.
(ii) Any professional person seeking such compensation shall file and serve on the trustee an Application for Payment of Fees within 21 days of the date of the mailing of the trustee's notice. Failure timely to file such an application may be deemed a waiver of any compensation.
(iii) Final fee applications must be set for hearing with the chapter 7 trustee's final

report. Notice of the final fee application shall be given by the Clerk as part of the notice of the hearing on the trustee's final report. No separate notice by applicant is required.

RULE 142 APPROVAL OF DISCLOSURE STATEMENTS.

Hearings on approval of disclosure statements shall be set on not less than 36 days notice, unless the Court, for good cause shown, prescribes a shorter period. Objections to disclosure statements must be filed and served on proponents not less than 11 Court days before the hearing.

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PART VI: APPEALS

RULE 150 RULES APPLICABLE TO BANKRUPTCY APPEALS

(1) **ALL APPEALS.**

The rules in Part VIII of the Bank.Rules and Local Bankruptcy Rules 150 through 154 apply to all appeals from a judgment, order, or decree of a Judge.

(2) **APPEALS TO DISTRICT COURT.**

Local Bankruptcy Rules 150 through 160 apply to all bankruptcy appeals before the District Court.

(3) **APPEALS TO BANKRUPTCY APPELLATE PANEL.**

For the purposes of these Local Bankruptcy Rules, Bankruptcy Appellate Panel shall mean the United States Bankruptcy Appellate Panels of the Ninth Circuit. The Rules of the Bankruptcy Appellate Panel apply to all bankruptcy appeals pending before the Bankruptcy Appellate Panel.

RULE 151 FILING OF NOTICE OF APPEAL

The notice of appeal and other papers shall be filed with the Clerk as required by Bank.Rules 8001, 8002 and 8008. Each appellant is required to file the original notice and three copies together with the appropriate filing fee. In addition, appellant must file with the Clerk sufficient copies of the notice of appeal and addressed stamped envelopes for each party listed in the appeal, so that they may be served by the Clerk pursuant to Bank.Rule 8004.

RULE 152 LEAVE TO APPEAL; INTERLOCUTORY ORDERS

(1) MOTION FOR LEAVE TO APPEAL.

Leave to appeal under 28 U.S.C. § 158(a) shall be sought by filing a motion for leave with the Clerk within the time provided by Bank.Rule 8002 for filing a notice of appeal, with proof of service by the applicant in accordance with Bank.Rule 8008(b).

(2) CONTENT OF MOTION; ANSWER.

The motion shall include all elements required by Bank.Rule 8003(a). Within 10 days after service of the motion, an adverse party may file an answer in opposition with the Clerk.

(3) DISPOSITION.

The Clerk shall transmit the motion for leave to appeal and any answer thereto to the Clerk of the Bankruptcy Appellate Panel as soon as all parties have filed answers or the time for filing an answer has expired, unless a party to the appeal has filed with the clerk of the Bankruptcy Appellate Panel a written objection to the disposition of the appeal by the Bankruptcy Appellate Panel. If such an objection is duly filed after the motion has been referred to the Bankruptcy Appellate Panel but before it has been determined, then the motion shall be transferred to the District Court for decision. The motion and answer shall be submitted without oral argument unless otherwise ordered.

(4) LEAVE TO APPEAL GRANTED; FILING OF RECORD.

If leave to appeal is granted, the Clerk shall notify counsel for appellant within five Court days. The record shall be designated and transmitted and the appeal docketed in accordance with Bank.Rules 8006 and 8007. The time fixed by those rules for designating and transmitting the record and docketing the appeal shall run from the date of the notice by the Clerk of entry of the order granting leave to appeal.

(5) APPEAL IMPROPERLY TAKEN REGARDED AS A MOTION FOR LEAVE TO APPEAL.

If a timely notice of appeal is filed where the proper mode of proceeding is by a motion for leave to appeal under this rule, the notice of appeal will be deemed a timely motion for leave to appeal. The Appellate Court may enter an order either granting or denying leave to appeal or directing that a motion for leave to appeal be filed. The motion shall be filed within 10 days of the entry of the Appellate Court's order, unless specified otherwise in the order.

RULE 153 FORM AND TIME OF CONSENT

When a notice of appeal is filed with the Clerk, the appeal shall be referred immediately to the Bankruptcy Appellate Panel. All parties to the appeal shall be notified of the filing and reference within the time and as provided by Local Bankruptcy Rule 154. Unless a party to the appeal files a written objection with the Clerk of the Bankruptcy Appellate Panel within 21 days from the date of the filing of the appeal, the parties will be deemed to have consented to the hearing and the disposition of the appeal by the Bankruptcy Appellate Panel pursuant to 28 U.S.C. § 158(b)(1).

RULE 154 NOTICE OF REFERENCE TO APPELLATE COURT

Within three days after the filing of a notice of appeal, the Clerk shall serve upon all parties to the appeal a copy of the notice of appeal and the "Amended Order Establishing and Continuing the Bankruptcy Appellate Panel of the Ninth Circuit." A copy of the notice of appeal shall also be transmitted to the clerk of the Bankruptcy Appellate Panel.

RULE 155 BRIEFS IN APPEALS BEFORE DISTRICT COURT

(1) FORM AND NUMBER OF BRIEFS.

Parties shall file an original and one copy of their briefs, unless additional copies are required by the District Court hearing the appeal. Briefs shall be submitted in general conformance with Bank.Rule 8010.

(2) LENGTH OF BRIEFS.

Except with leave of the District Court, the appellant's and appellee's opening briefs shall not exceed 30 pages, and reply briefs shall not exceed 20 pages, exclusive of pages containing the table of contents, tables of citations and any addendum containing statutes, rules, regulations, or similar material.

(3) CERTIFICATION AS TO INTERESTED PARTIES.

To enable the District Court to evaluate possible disqualification or recusal, counsel for all private (nongovernmental) parties shall attach to the inside front cover of their initial brief a list of all persons, associations of persons, firms, partnerships and corporations which have an interest in the outcome of the case in substantially the following form:

"NUMBER AND TITLE OF CASE

"Certification required by Local Bankruptcy Rule 155.

"The undersigned, counsel of record for _______________, certifies that the following listed party (or parties) has (have) an interest in the outcome of this case. These representations are made to enable the District Court to evaluate possible disqualification or recusal.

"(Here list the names of all such parties and identify their connection and interest.)

"________________________________

Attorney of record for:"

(4) CERTIFICATION OF RELATED CASES.

The appellant shall attach to the inside back cover of each copy of the opening brief, a statement of all known related cases before any United States court of appeals, United States district court, bankruptcy appellate panel or bankruptcy court. A related case is defined as one which involves substantially the same litigants, or one which involves substantially the same factual pattern or legal issues, including all cases requiring disclosure under Local Bankruptcy Rule 104.

(5) TIME FOR FILING BRIEFS.

Briefs shall be filed in accordance with the time limits specified in Bank.Rule 8009(a), except that the appellant shall serve and file his or her brief within 25 days after the date of service by mail of the notice of entry of the appeal on the docket pursuant to Bank. Rule 8007. Each party to an appeal shall file with its initial brief excerpts of the record including a copy of each item designated as part of the record by that party.

(6) MOTION FOR EXTENSION OF TIME FOR FILING BRIEF.

A motion for an extension of time for filing a brief shall be made within the time limits prescribed by these Local Bankruptcy Rules for the filing of such brief and shall be accompanied by proof of service as prescribed in F.R.App.P. 25(d). The motion shall be supported by a declaration stating the time when the brief is due, how many extensions of time, if any, have been granted, and if there have been extensions of time, when the brief was first due, and whether any previous requests for extension of time have been denied or denied in part. The motion shall also recite the reasons why such an extension is necessary and the amount of time requested. A motion for such an extension shall also state the position of the opponent(s) in respect to the motion or state why the moving party has been unable to obtain a statement of such position(s).

(7) CONSEQUENCE OF LATE FILING OF BRIEF.

An appeal may be dismissed pursuant to Local Bankruptcy Rule 157(2) if the appellant fails to file the opening brief within the time provided, or within the time as extended pursuant to a motion made within such time limit for filing the brief. A party who fails to file the opening brief or answering brief within such time limit or extension thereof may file the brief thereafter only on order of the District Court.

RULE 156 COSTS ON APPEAL TO DISTRICT COURT

(1) SUPPORT FOR BILL OF COSTS.

A verified bill of costs shall include the following information:

(a) The number of copies of the briefs or excerpts of record reproduced;
(b) If more copies were reproduced than required by the Local Bankruptcy Rule 155, the reason the excess number of copies was necessary;
(c) The costs of printing or otherwise reproducing such documents, with a statement that the cost is no higher than generally charged for such reproduction in the local area;
(d) The costs in the preparation and transmission of the record;
(e) If supersedeas bonds or other bonds were purchased in order to preserve rights pending appeal, the premiums paid for such bonds; and
(f) Any Clerk's fees which have been actually paid.

(2) OBJECTION TO BILL OF COSTS.

Within ten days after service and filing of a bill of costs with the Clerk of the District Court, a party may serve and file an objection thereto, in which event the bill of costs shall be treated as a motion.

RULE 157 DILIGENT PROSECUTION OF APPEALS TO DISTRICT COURT

(1) DUTIES OF COUNSEL.

It is the duty of counsel representing an appellant to see that the appeal is perfected in the manner and within the time prescribed in these rules, and to prosecute the appeal with diligence. Changes in the address of counsel or his client must be reported by counsel to the clerk of the District Court in writing immediately.

(2) DISMISSAL FOR FAILURE TO PROSECUTE.

When an appellant fails to file an opening brief timely, or otherwise fails to comply with rules requiring processing the appeal to hearing, the District Court clerk, after notice, shall enter an order dismissing the appeal.

RULE 158 FORM AND PUBLICATION OF DISPOSITION OF APPEALS TO DISTRICT COURT

(1) OPINIONS, MEMORANDA, ORDERS.

Each written disposition on appeal to the District Court from the Court shall bear under the number in the caption an appropriate label, that is, OPINION, MEMORANDUM or ORDER. A written reasoned disposition of the case which is intended for publication is an OPINION. A written reasoned disposition of a case which is not intended for publication is a MEMORANDUM. Any other disposition of a matter is an ORDER.

(2) PUBLICATION.

Publication means making available for reporting by legal publishing companies, or for distribution to regular subscribers, written dispositions which have been printed as slip opinions, or copies of which have been prepared by other means. Publication as a matter of course shall apply only to opinions.

(3) WHEN DISPOSITION TO BE BY OPINION.

Subject to subsection (5) hereof, a case shall not be disposed of by written opinion for publication unless it:

(a) Establishes, alters, modifies or clarifies a rule of law; or
(b) Calls attention to a rule of law which appears to have been generally overlooked; or
(c) Criticizes existing law; or
(d) Involves a legal or factual issue of unique interest or substantial public importance.

(4) DISPOSITION AS PRECEDENT.

A disposition which is not for publication shall not be regarded as precedent and shall not be cited to or by the United States Court of Appeals, Bankruptcy Appellate Panel, or district or bankruptcy court of the Ninth Circuit, either in briefs, oral argument, opinions, memoranda, or orders, except when relevant under the doctrines of law of the case, res judicata, or collateral estoppel.

(5) DESIGNATION FOR PUBLICATION.

A disposition other than an opinion may be specially designated for publication by the District Court and when so published may be used for any purpose for which an opinion is used. Such a designation should be indicated at the end of the disposition when filed with the clerk of the District Court by the addition of the words "For Publication" on a separate line.

(6) PRELIMINARY DETERMINATION TO PUBLISH.

The preliminary determination whether the disposition should be published should be made before it is filed with the clerk of the District Court.

(7) REQUEST FOR PUBLICATION.

Publication of any unpublished disposition may be requested by letter addressed to the clerk of the District Court, stating concisely the reasons for publication. Such a request will not be entertained unless received within 60 days of the issuance of the District Court's disposition.

(8) PERIODIC NOTE TO PUBLISHING COMPANIES.

A list of all cases that have been decided by unpublished disposition will be made available periodically to legal publishing companies for publication. The list shall include a notation as to the concluding disposition in each case, such as, e.g., "Affirmed," "Reversed," or "Dismissed."

RULE 159 EMERGENCY MOTIONS IN APPEALS TO DISTRICT COURT

Emergency motions shall comply with the requirements of Bank. Rule 8011(d).

RULE 160 APPEALS FROM DISTRICT COURT DISPOSITIONS

Appeals from District Court dispositions in bankruptcy matters shall be governed by Rule 17 of the local rules of the District Court.

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PART VII:

SPECIAL CHAPTER 12 AND CHAPTER 13 PROCEDURES

RULE 170 INTERIM RULES FOR CHAPTER 12 CASES

Interim rules for Chapter 12 cases are set forth in Appendix I hereto.

Upon the effective date of proposed amendments to the Bank. Rules that are intended to incorporate necessary provisions for chapter 12 cases, this local rule and Appendix I shall be abrogated in their entirety.

APPENDIX I

Interim Rules for Chapter 12 Cases.

The following interim rules apply in cases filed under Chapter 12.

A. General Applicability of Bank.Rules

The Bank.Rules and Forms, now in effect or as later amended, as supplemented by these rules govern procedure in cases under Chapter 12 of Title 11 of the United States Code.

B. Adaptations of Certain Bank.Rules

(1) The reference in Bank.Rule 1002(b)(1) to chapter 13 shall be read also as a reference to Chapter 12.

(2) The reference in Bank.Rule 1007(a)(1) to a Chapter 13 Statement shall be read also as a reference to a Chapter 12 Statement, and the references in Rule 1007(c) and (h) to a Chapter 13 case and a Chapter 13 individual's debt adjustment case shall be read also as references to a Chapter 12 case and a Chapter 12 family farmer's debt adjustment case.

(3) The reference in Bank.Rule 1008 to Chapter 13 Statements shall be read also as a reference to Chapter 12 Statements.

(4) The reference in Bank.Rule 1009 to a Chapter 13 Statement shall be read also as reference to a Chapter 12 Statement.

(5) The references in Bank.Rule 1016 to an individual's debt adjustment case under Chapter 13 shall be read also as references to a family farmer's debt adjustment case under Chapter 12.

(6) The reference in Bank.Rule 1017(a) to 11 U.S.C. § 1307(b) shall be read also as reference to 11 U.S.C. § 1208(b).

(7) The references in Bank.Rule 1019 to a Chapter 13 case shall be read also as references to a Chapter 12 case.

(8) The reference in Bank.Rule 2004(b) to an individual's debt adjustment case under Chapter 13 shall be read also as a reference to a family farmer's debt adjustment case under Chapter 12.

(9) The references in Bank.Rule 2009(c)(3) to Chapter 13 individual's debt adjustment cases and Chapter 13 cases shall be read also as references to Chapter 12 family farmer's debt adjustment cases and Chapter 12 cases.

(10) The references in Bank.Rule 2015(b)(1) to Chapter 13 trustee and debtor and Chapter 13 individual's debt adjustment case shall be read also as references to Chapter 12 trustee and debt and Chapter 12 individual's debt adjustment case.

(11) The reference in Bank.Rule 2018(b) to a Chapter 13 case shall be read also as a reference to a Chapter 12 case.

(12) The reference in Bank.Rule 3002(c) to a Chapter 13 individual's debt adjustment case shall be read also as a reference to a Chapter 12 family farmer's debt adjustment case.

(13) The references in the captions of Bank.Rule 3010 and Bank.Rule 3010(b) to Chapter 13 Individual's Debt Adjustment Cases and Chapter 13 cases shall be read also as references to Chapter 12 Family Farmer's Debt Adjustment Cases and Chapter 12 Cases.

(14) The reference in the caption to Bank.Rule 3011 to Chaper 13 Individual's Debt Adjustment Cases shall be read also as a reference to Chapter 12 Family Farmer's Debt Adjustment Cases.

(15) The references in Bank.Rule 3013 to 11 U.S.C. § 1322(b)(1) shall be read also as a reference to § 1222(b)(1).

(16) The reference in the caption of Bank.Rule 4007(c) to CHAPTER 11 REORGANIZATION CASES shall be read also as a reference to CHAPTER 12 FAMILY FARMER'S DEBT ADJUSTMENT CASES.

(17) The reference to Bank.Rule 6006(b) to a Chapter 13 individual's debt adjustment case shall be read also as a reference to a Chapter 12 family farmer's debt adjustment case.

(18) The references in Bank.Rule 7001(5) and (8) to a Chapter 13 plan shall be read also as references to a Chapter 12 plan.

(19) The reference in Bank.Rule 7062 to 11 U.S.C. § 1301 shall be read also as a reference to 11 U.S.C. § 1201.

(20) The reference in Bank.Rule 9011(a) to a Chapter 13 Statement shall be read also as a reference to a Chapter 12 Statement.

(21) The reference in Bank.Rule 9024 to 11 U.S.C. § 1330 shall be read also as a reference to 11 U.S.C. § 1230.

(22) The reference in Bank.Rule X-1002(a)(1) to a Chapter 13 Statement shall be read also as a reference to a Chapter 12 Statement

(23) The references in Bank.Rule X- 1005(a)(3) to Chapter 13 Individual's Debt Adjustment Cases and Chapter 13 cases shall be read also as references to Chapter 12 Family Farmer's Debt Adjustment Cases and Chapter 12 cases.

(24) The reference in Bank.Rule X-1007(b) to a Chapter 13 individual's debt adjustment case shall be read also as a reference to a Chapter 12 family farmer's debt adjustment case.

(25) Bank.Rule X-1008(a)(1) shall be read to include a reference to subparagraph D of this Appendix I to the Local Bankruptcy Rules.

C. Schedules and Statements Required

Unless the Court orders otherwise, the debtor shall file with the Clerk a Chapter 12 Statement conforming to Form No. 12-A or 12-B, whichever is appropriate, and a statement of financial affairs prepared as prescribed by Official Form No. 8. The budget included in the Chapter 12 Statement shall constitute the schedule of current income and expenditures.

D. Filing and Confirmation of Plan

(1) TIME FOR FILING. The debtor may file a Chapter 12 plan with the petition. If a plan is not filed with the petition, it shall be filed within 90 days thereafter unless the Court pursuant to 11 U.S.C. § 1221 of the Code extends the time for filing the plan. If required by the Court, the debtor shall furnish a sufficient number of copies of the plan, or any Court-approved summary of the plan, to enable the Clerk to include a copy of the plan or summary with the notice of the hearing on confirmation of the plan.

(2) OBJECTIONS. Objections to confirmation of the plan shall be filed with the Court and served

on the debtor, the trustee, and on any other entity designated by the Court, within a time fixed by the Court. An objection to confirmation is governed by Bankruptcy Rule 9014.

(3) HEARING. After notice as provided in subdivision (d) of this Appendix I, the Court shall conduct and conclude a hearing within the time prescribed by 11 U.S.C. § 1224 and rule on confirmation of the plan. If no objection is timely filed, the Court may determine that the plan has been proposed in good faith and not by any means forbidden by law without receiving evidence on those issues.

(4) NOTICE. The Clerk, or some other person as the Court may direct, shall give the debtor, the trustee, all creditors, and all equity security holders notice by mail of the time fixed for filing objections to and the hearing to consider confirmation of the plan. Unless the Court fixes a shorter period, notice of the hearing shall be given not less than 15 days before the hearing. A copy of the plan or a Court- approved summary of the plan shall accompany the notice.

(5) ORDER OF CONFIRMATION. The order of confirmation shall conform to Official Form No. 31 and notice of entry thereof shall be mailed promptly by the Clerk, or some other person as the Court may direct, to the debtor, the trustee, all creditors, all equity security holders and other parties in interest.

(6) RETAINED POWER. Notwithstanding the entry of the order of confirmation, the Court may enter all orders necessary to administer the estate.

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RULE 174

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RULE 180 CHAPTER 13 CASES

Specific procedures in Chapter 13 cases are governed by Appendix II hereto, which is controlling to the extent its terms vary from the Local Bankruptcy Rules.

APPENDIX II

FILED

JUN 26 1990

[illegible]

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

In re **CHAPTER 13 CASES**	**GENERAL ORDER NO. 1**

APPLICABILITY

1. Except as provided herein, this order relates to Chapter 13 cases in all divisions of the Court except as noted, and supersedes any previous orders in conflict with the provisions hereof. This order is effective **August 1, 1990**.

2. The definitions set forth in the Local Bankruptcy Rules ("Local Rules") effective March 1, 1988, and any amendments thereafter apply to all terms used in this order.

3. To the extent that this order conflicts with the provisions of Local Rules, the provisions of this order shall prevail. In all other respects, the Local Rules shall apply in all Chapter 13 cases.

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FILING AND SERVICE OF PETITIONS, PLANS AND PROOF OF CLAIM FORMS

4. As required by Local Rule 103(5), an original and three copies of the petition, plan, Chapter 13 statement and summary of debts shall be filed with the court, along with a master mailing list.

5. If a Chapter 13 statement and plan are not filed with the petition, **in Los Angeles and Santa Ana**, the Clerk shall thereupon issue an order notifying the debtor that, if the plan and Chapter 13 statement are not filed within 15 days, the case shall be dismissed at that time, unless a motion for an extension of time has been filed within said 15 days. In **San Bernardino**, the clerk shall issue an order notifying the debtor that, if the plan and Chapter 13 statement are not filed within 15 days or any extension of time the Court may authorize, the debtor will be required to appear at a specified date and time before the Bankruptcy Judge to show cause why the case should not be dismissed with a 180-day bar to refiling, dismissed without prejudice, or converted to a case under Chapter 7.

A motion for extension of time must be accompanied by a declaration showing specific cause for an extension of time, the date the petition was filed, and shall be served on the Chapter 13 Trustee. The Court may grant the motion without a hearing. If the Chapter 13 statement or plan is not filed within the initial 15 days or within such additional time as the Court may allow in response to a motion for extension of time, or if a motion for extension of time is not timely filed **in Los Angeles and Santa Ana** the Court shall dismiss the case.

6. The debtor or debtor's attorney shall serve a copy of the Chapter 13 plan and, **in Los Angeles**, a Proof of Claim form with

case number thereon, on all creditors at least 25 days before the confirmation hearing. A proof of service shall be filed with the Court and served on the Trustee 10 days prior to the confirmation hearing, or **in Los Angeles only**, a conformed copy may be handed to the Chapter 13 Trustee at the 341(a) meeting of creditors.

7. All Chapter 13 documents, including but not limited to the plan and statement, must be submitted on the Central District Court approved forms or prepared in the exact same format. The debtor must also file a summary of debts in the same format as the official form. Without full disclosure, no alteration to the official forms will be valid and any such alteration of the forms, without said full disclosure, may result in sanctions against the debtor and/or debtor's counsel.

MEETING OF CREDITORS - § 341(a)

8. Notice of the 341(a) meeting of creditors and confirmation hearing date along with a proof of claim form shall be served on all creditors by the Chapter 13 Trustee or the Court at least 25 days before the 341(a) meeting of creditors.

9. The debtor shall provide evidence of current income (pay stubs, tax return or other equivalent documentation) to the Chapter 13 Trustee at least 5 days before the 341(a) meeting of creditors. Failure to timely provide this evidence may result in dismissal of the case, including but not limited to dismissal with a 180-day bar to refiling pursuant to 11 U.S.C. § 109(g) if the court finds willful failure to comply with a lawful order of the Court.

10. The debtor and debtor's attorney shall attend the § 341(a) meeting of creditors. If the debtor does not appear, the case may be

Arrearages, however, must be paid through the Chapter 13 Trustee. If the plan changes the amount of payment or duration due to the fact that any portion is deemed unsecured by said debtor, then all payments so provided must be paid through the Chapter 13 Trustee.

SPOUSAL AND CHILD SUPPORT

15. The plan may provide for current payments of spousal and child support directly to the creditor. Arrearages shall be paid through the Chapter 13 Trustee unless specific cause is shown and supported by declaration.

OBJECTIONS TO PLANS

16. Objections, if any, to the confirmation of the plan shall be in writing, supported by declaration or other admissible evidence, filed with the Court and served on debtor's attorney, the debtor, and the Chapter 13 Trustee not less than 4 court days before the confirmation hearing. Any objection may be deemed waived unless the objection is timely filed and served, and the objector appears at the confirmation hearing. The objection shall state in the caption the time, date and place of the confirmation hearing as required by Local Rule 103(4)(h)(v).

AMENDMENTS TO PLANS PRIOR TO CONFIRMATION

17. Prior to confirmation, any amended plan shall be filed with the Court and received by the Chapter 13 Trustee at least 3 court days before the confirmation hearing. Failure to file the amended plan in a timely manner may be grounds for dismissal of the debtor's case. All amended plans shall state in the caption the time, date and place of

the confirmation hearing. An amended plan shall be served upon all creditors adversely affected thereby at least 25 days before the confirmation hearing, which may necessitate a continuance of the confirmation hearing.

AMENDMENTS TO PLANS AT THE CONFIRMATION HEARING

18. Amendments to a plan which do not adversely affect creditors may be made at the confirmation hearing by interlineation (prior approval of the Chapter 13 Trustee is preferred).

OBJECTIONS TO CLAIMS

19. Any objections to claims shall be served and filed with the Court within 60 days after the service of a notice of intent to pay claims by the Trustee. Any such objection shall also give notice of the date, time and courtroom of hearing on the objection. Any claim not timely objected to may be paid by the Chapter 13 Trustee.

PLAN PAYMENTS TO CHAPTER 13 TRUSTEE

20. The debtor shall begin making the plan payments proposed in the plan within 30 days after the petition is filed. The Court may dismiss a case, including dismissal with a 180-day bar to refiling for willful failure to comply with a lawful order of the Court, or convert it to a case under Chapter 7 if timely payments are not made.

21. Unless and until a payroll deduction order is effective, all plan payments shall be made by the debtor in the form of cashier's check, certified funds, or money order made payable to the "Chapter 13 Trustee" and sent to the Chapter 13 Trustee. The Court may require plan payments through a payroll deduction order. If a payroll

deduction order is not issued upon confirmation of a plan, the Chapter 13 Trustee is authorized to issue such an order and to serve it upon the debtor's employer, the debtor and debtor's counsel whenever a plan payment is more than 20 days late.

TRUSTEE'S FEES

22. The minimum trustee's fee for a chapter 13 case that is not confirmed is $50.00. The minimum trustee's fee is $100.00 in a case where the plan is confirmed.

PAYMENTS ON MORTGAGES OR TRUST DEEDS

23. Failure to make all post-petition mortgage payments will generally result in dismissal of the case at the confirmation hearing. Such payments shall be made payable to the mortgage holder, who may accept such payments without prejudice to pending foreclosure proceedings, and shall commence with the next payment due after the date the petition is filed.

24. Until a plan is confirmed, a debtor shall deposit with the debtor's attorney all regular post-petition payments on debt secured by real property, which the attorney shall forward immediately to the creditors. The attorney shall provide the Chapter 13 Trustee with evidence of such payments at the 341(a) meeting of creditors. If the debtor is not represented by counsel, the debtor shall comply with this paragraph by depositing the payments in the form of money order, cashier's check or certified funds payable to the appropriate creditor with the Chapter 13 Trustee, who shall transmit them immediately to the creditors. The debtor is excused from this requirement for any real property that the debtor intends to abandon, if the plan states

that the property is to be abandoned.

SUSPENSION OF PLAN PAYMENTS

25. Plan payments may be suspended upon approval of the Court. A motion to suspend should be made in accordance with Paragraph 34.

TAX RETURNS

26. After the confirmation of a plan, the debtor shall provide a copy of his or her federal tax return, W-2 and 1099 forms each year, while the case is pending, to the Chapter 13 Trustee within 5 court days after the return is filed with the Internal Revenue Service.

SALE OR REFINANCING OF PROPERTY

27. Any sale or refinancing of the debtor's principal residence or other real property must be approved by the Court. A motion for such approval may be made in accordance with Paragraph 33 herein. All such motions shall be submitted to the Trustee for the Trustee's recommendation before filing with the Court, and must be submitted on approved forms.

MOTIONS FOR DISMISSAL OR CONVERSION

28. A. A motion by the debtor to dismiss a Chapter 13 case shall be served on all creditors and the Chapter 13 Trustee. A motion to dismiss shall be accompanied by a declaration that states whether the case has been converted from another Chapter of the Bankruptcy Code and shall disclose whether or not any motion for relief from the automatic stay is pending against the debtor, and shall comply with Local Rule 111(2).

B. Pursuant to Bankruptcy Rule 1017, the conversion of a Chapter 13 case to a case under Chapter 7 shall be effective upon the filing by the debtor with the Clerk of the Bankruptcy Court a notice of conversion pursuant to 11 U.S.C. § 1307(a). No Court order is required; however, debtor shall file a proof of service with said notice, evidencing that the notice of conversion was served upon the Chapter 13 Trustee and all creditors. Service shall be made pursuant to Bankruptcy Rule 7004. The debtor shall also submit an Order Upon Conversion to Chapter 7 With Notice of Entry setting forth the addresses of the debtor, debtor's attorney and the Chapter 13 Trustee along with postage paid envelopes. Any distributions of estate funds made by the Trustee in the ordinary course of business for the benefit of the debtor's estate prior to receipt of notice shall not be surcharged to the Trustee.

C. A motion by the debtor to convert a Chapter 13 case to a case under Chapter 11 may, when applicable, be made on notice without a hearing pursuant to Local Rule 111(7) as more fully set forth by said Rule and Paragraph 33 of this General Order. A motion by any other party in interest to convert a Chapter 13 case to a case under Chapter 11 shall be noticed for hearing by the moving party. Notice in either manner shall be given to the debtor, debtor's attorney, all creditors, the Chapter 13 Trustee and the United States Trustee.

The moving party shall transmit an original and one copy of the proposed order of dismissal or conversion to the Court for entry and service on the Chapter 13 Trustee. Additional copies of the order plus Notices of Entry for all contesting parties must accompany the proposed order if notice of entry is required by Bankruptcy Rule 9022.

MOTIONS FOR RELIEF FROM STAY

29. Motions for relief from the automatic stay shall comply with Local Rule 112 and, in addition, shall provide the following information:

A. the date of filing of the Chapter 13 petition;

B. the date of confirmation of the plan (if the plan has been confirmed);

C. the amount of the monthly maintenance payment at issue;

D. the date of post-petition or post-confirmation default;

E. the total amount of the post-petition or post-confirmation payments (principal and interest) in default as of the date of filing of the motion, and due as of the anticipated date of hearing, and the total amount of any other post-petition charges due or anticipated as of each of these dates;

F. the date of notice of default (if any);

G. the scheduled date, place and time of sale by moving party (if notice of sale has been published);

H. the identity of the original lienholder, if different from the moving party;

I. information on junior and senior encumbrances and the current status of each (if available);

J. an opinion of the value of the property (by declaration), if such value is an issue to be determined.

A statement of indebtedness, as provided in Local Rule 112(3)(a)(ii), is not required unless the value of the property is at issue.

If an order for relief is granted, unless otherwise specified, the Chapter 13 Trustee is relieved from making any further payments to the secured creditor and the secured poriton of creditor's claim is deemed withdrawn upon entry of the order for relief without prejudice to filing an amended unsecured claim for a deficiency when appropriate.

30. A hearing on motion for relief from stay on shortened notice, pursuant to Local Rule 113(2), may be sought on any of the following grounds:

A. Pending unlawful detainer action against debtor;

B. Default on a previous order of the Court;

C. Violation of Bankruptcy Code § 109(g).

ADEQUATE PROTECTION ORDERS

31. After confirmation of a plan, if the debtor and a secured creditor proposes to modify the payments by the Chapter 13 Trustee to the secured creditor by way of an adequate protection/relief from stay agreement, the debtor shall file and serve a motion for an order approving the modification of the plan by said agreement pursuant to paragraph 33.

Any such agreement between Debtor and secured creditor shall specify the amount and duration in such payments and the change, if any, required in the plan payments by the debtor.

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ATTORNEY REPRESENTATION

32. Local Rule 102 is modified in Chapter 13 cases as follows: Any attorney who is retained to represent a debtor in a Chapter 13 case is responsible for representing the debtor on all matters arising in the case, including any relief from automatic stay motions, claims or adversary proceedings, until otherwise ordered by the Court.

A. Should the representation create a hardship, an attorney may petition the Court for relief for cause.

B. When it is warranted, application may be made for allowance and payment of supplemental fees beyond the sum each Court sets as a base for representation of a debtor through the plan confirmation stage of a case.

C. If an attorney for a debtor is unable to contact the debtor in connection with a proceeding (e.g., a motion for relief from stay), the attorney may serve and file a statement informing the Court of this fact.

D. If a debtor does not oppose a proceeding, the attorney may file a statement so informing the Court, and need not appear at the hearing.

MOTIONS AND APPLICATIONS WITHOUT HEARING

33. In addition to the motions and applications specified in Local Rule 111(7), the following motions may be made on notice without a hearing pursuant to the requirements of that rule:

A. Applications for supplemental attorney's fees (subject to paragraphs 34 and 35 herein);

B. Motion for suspension of plan payments: (subject to paragraph 34);

C. Motions by the debtor for modification of plan after confirmation;

D. Motions for approval of sale or refinancing of debtor's residence, if the entire equity therein is exempt from the claims of creditors; **Notice is not required if the sale or refinance will pay off the plan and the plan allows 100% to the unsecured creditor creditors;**

E. Trustee's motion to dismiss;

F. Debtor's motion to convert to Chapter 11 only when there have been no prior conversions by debtor.

SERVICE OF MOTIONS AND APPLICATIONS

34. All motions and applications must be served on the Chapter 13 Trustee, the debtor, debtor's attorney and all creditors with the following exceptions:

A. Motion for relief from the automatic stay (see notice requirements in Local Rule 112);

B. Motions for relief from stay seeking only to pursue unlawful detainer proceedings involving month-to-month residential tenancies or residential tenancies at will need not be served on the Chapter 13 Trustee or creditors;

C. Applications for supplemental attorney's fees for debtor's counsel, not exceeding $500, need only be served on the Chapter 13 Trustee and the debtor;

D. All motions for suspension of plan payments must be submitted to the Chapter 13 Trustee for comment prior to filing but need not be served on creditors if the proposed suspension, combined with any prior approved suspensions, does not exceeded 90 days, all other motions for suspension must be served on all creditors with 20-days notice and must be submitted to the Chapter 13 Trustee for comment.

E. An objection to a claim need only be served on the Chapter 13 Trustee, the claimant and the claimant's attorney.

SUPPLEMENTAL FEE APPLICATIONS

35. All supplemental fee applications shall be submitted to the Chapter 13 Trustee for comment before being filed with the Court. When supplemental fees are sought, the Court may, in its discretion, require additional supporting information or require a hearing, even though no oppostion is filed.

Dated: JUN 26 1990

WILLIAM J. LASARO

WILLIAM J. LASAROW
Chief Bankruptcy Judge

APPENDIX III

1. ORDERS AND JUDGMENTS REQUIRING NOTICE OF ENTRY PURSUANT TO LOCAL RULE 111(1)

In general, all orders and judgments require notice of entry to be submitted with the order unless specifically exempted in part 2 below.

Orders and judgments requiring notices include, but are not limited to the following:

a. All orders on motions for relief from stay under 11 U.S.C. § 362
b. All orders on motions under 11 U.S.C. §§ 330, 331, 363, 364 and 365
c. All orders in contested matters
d. All judgments in adversary proceedings

2. ORDERS NOT REQUIRING NOTICE OF ENTRY PURSUANT TO LOCAL BANKRUPTCY RULE 103.

The following orders are specifically exempted from the requirement that notice of entry forms accompany the order:

a. Orders dismissing or converting the case
b. Orders appointing or discharging trustees
c. Orders granting stipulations for continuance
d. Orders granting stipulations to extend time to respond
e. Orders extending time to file schedules, statement of affairs or chapter 13 plans
f. Orders approving trustee's final report or distribution
g. Scheduling orders pursuant to Local Bankruptcy Rule 121
h. Orders approving employment of professionals

APPENDIX IV.

United States Bankruptcy Court
Central District of California

FORMS PROJECT

Contents

FORM NUMBER	TITLE OF FORM
100	Summons and Notice of Status Conference
110	Notice of Entry of Judgment or Order and Certificate of Mailing
200	Substitution of Attorney
210	Declaration Re: Limited Scope of Appearance Pursuant to Local Bankruptcy Rule 102
220	Statement of Disinterestedness of Professional Person under Bankruptcy Rule 2014
250	Notice of Opposition and Request for a Hearing
260	Notice of Non-Opposition
300	Notice of Motion for Relief from the Automatic Stay under 11 U.S.C. § 362
310	Motion for Relief from the Automatic Stay under 11 U.S.C. § 362 (Real Property)
311	Order on Motion for Relief from the Automatic Stay under 11 U.S.C. § 362 (Real Property)
320	Motion for Relief from the Automatic Stay under 11 U.S.C. § 362 (Unlawful Detainer)
321	Order on Motion for Relief from the Automatic Stay under 11 U.S.C. § 362 (Unlawful Detainer)
330	Motion for Relief from the Automatic Stay under 11 U.S.C. § 362 (Personal Property)
331	Order on Motion for Relief from the Automatic Stay under 11 U.S.C. § 362 (Personal Property)
341	Order Denying Motion for Relief from the Automatic Stay for Failure to Prosecute
390	Notice of Opposition to Motion for Relief from the Automatic Stay under 11 U.S.C. § 362
410	Debtor's Motion to Convert Case under 11 U.S.C. §§ 706(a), 1112(a), 1208(a) or 1307(d)
411	Order on Debtor's Motion to Convert Case under 11 U.S.C. §§ 706(a), 1112(a), 1208(a) or 1307(d)
415	Debtor's Request to Convert Chapter 13 Case to one under Chapter 7 under 11 U.S.C. § 1307(a)
420	Notice of Motion and Motion to Avoid Lien under 11 U.S.C. § 522(f) (Real Property)
421	Order on Motion to Avoid Lien under 11 U.S.C. § 522(f) (Real Property)
430	Notice of Motion and Motion to Avoid Lien under 11 U.S.C. § 522(f) (Personal Property)
431	Order on Motion to Avoid Lien under 11 U.S.C. § 522(f) (Personal Property)
440	Declaration Re: Entry of Order without Hearing pursuant to Local Bankruptcy Rule 111(7)
450	Joint Status Report • Local Bankruptcy Rule 121(1)(b)
451	Status Conference and Scheduling Order
460	Request for Entry of Default under Local Bankruptcy Rule 116
470	Request for Entry of Default Judgment under Local Bankruptcy Rule 116
471	Order on Request for Entry of Default Judgment under Local Bankruptcy Rule 116
475	Default Judgment
500	Notice of Hearing on Application for Payment of Interim or Final Fees and/or Expenses (331/330)
510	Application for Payment of Interim or Final Fees and/or Expenses under 11 U.S.C. §§ 331 & 330
511	Order on Application for Payment of Interim or Final Fees and/or Expenses (331/330)

January 24, 1989 Draft

Attorney or Party Name, Address and Telephone Number *Attorney for Plaintiff*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	CHAPTER ____ CASE NUMBER
	ADVERSARY NUMBER
Plaintiff(s), vs. Defendant(s).	*(The Boxes below are for the Court's Use Only - Do Not Fill Them In)* **SUMMONS AND NOTICE OF STATUS CONFERENCE**

TO THE DEFENDANT: A Complaint has been filed by the Plaintiff against you. If you wish to defend yourself, you must file with the Court a written pleading, in duplicate, in response to the Complaint. You must also send a copy of your written response to the party shown in the upper left-hand corner of this page. Unless you have filed a response, in duplicate, by the date indicated below, the Court may enter a judgment by default against you for the relief demanded in the Complaint.

A Status Conference on the proceeding commenced by the Complaint has been set for:

Hearing Date: **Time:** **Courtroom:** **Floor:**

☐ **312 North Spring Street, Los Angeles**
☐ **300 North Los Angeles Street, Los Angeles**
☐ **201 North Figueroa Street, Los Angeles**
☐ **34 Civic Center Plaza, Santa Ana**
☐ **699 North Arrowhead Avenue, San Bernardino**
☐ **222 East Carrillo Street, Santa Barbara**

PLEASE TAKE NOTICE that if the trial of the proceeding is anticipated to take less than two (2) hours, the parties may stipulate to conduct the trial of the case on the date specified, instead of holding a Status Conference. Such a stipulation must be lodged with the Court at least two (2) Court days before the date set forth above and is subject to Court approval. The Court may continue the trial to another date if necessary to accommodate the anticipated length of the trial.

FRANK E. GOODROE
Clerk of the Bankruptcy Court

Date of Issuance: ____________________

Date to File and Serve
Responsive Pleading: ____________________

By:____________________
Deputy Clerk

January 1989 This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California. **100**

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF ______________________

1. I am employed in the County of ______________________, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

2. ☐ **Regular Mail Service:** On ______________________, I served the foregoing Summons and Notice of Status Conference (and any instructions attached thereto), together with the Complaint filed in this proceeding, on the Defendant(s) at the following address(es) by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ______________________, California, addressed as set forth below.

3. ☐ **Personal Service:** On ______________________, personal service of the foregoing Summons and Notice of Status Conference (and any instructions attached thereto), together with the Complaint filed in this proceeding, was made on the Defendant(s) at the address(es) set forth below.

4. Defendant(s) and address(es) upon which service was made:

☐ Names and Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

______________________ ______________________
Type Name *Signature*

Attorney or Party Name, Address and Telephone Number *Attorney for*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	
Movant(s) / Plaintiff(s), vs. Respondent(s) / Defendant(s).	CHAPTER _____ CASE NUMBER ☐ REFERENCE NUMBER ☐ ADVERSARY NUMBER

NOTICE OF ENTRY OF JUDGMENT OR ORDER AND CERTIFICATE OF MAILING

TO ALL PARTIES IN INTEREST ON THE ATTACHED SERVICE LIST:

1. You are hereby notified, pursuant to Local Bankruptcy Rule 116(1)(a)(iv), that a judgment* or order entitled *(specify)*:

   was entered on *(specify date)*:

2. I hereby certify that I mailed a copy of this notice and a true copy of the order or judgment to the persons and entities on the attached service list on *(specify date)*:

Dated:

FRANK E. GOODROE
Clerk of the Bankruptcy Court

By: ______________________________
Deputy Clerk

**If a judgment is by default, a copy of the judgment must be attached to this notice.*

January 1989 This form is optional. It has been approved for use by the United States Bankruptcy Court for the Central District of California. **110**

Attorney or Party Name, Address and Telephone Number *Attorney for*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	CHAPTER ____ CASE NUMBER
Plaintiff(s), vs. Defendant(s).	☐ ADVERSARY NUMBER (If Applicable)

SUBSTITUTION OF ATTORNEY

1. The name of the party making this Substitution of Attorney is *(specify name)*:

2. The name, address and telephone number of the New Attorney are *(specify)*:

3. New Attorney hereby appears in the following matters: ☐ The case ☐ The above Adversary Proceeding

4. The New Attorney is substituted as attorney of record in place and stead of the Present Attorney. *(Specify name of Present Attorney)*:

Dated:

____________________ ____________________

Type Name of Party *Signature of Party*

I consent to the above substitution.
Dated:

____________________ ____________________

Type Name of Present Attorney *Signature of Present Attorney*

I am duly admitted to practice in this district. The above substitution is accepted.
Dated:

____________________ ____________________

Type Name of New Attorney *Signature of New Attorney*

January 1989 This form is optional. It has been approved for use by the United States Bankruptcy Court for the Central District of California. **200**

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

IMPORTANT NOTICE

The filing of the within Substitution of Attorney form does not obviate the need to be employed pursuant to the Bankruptcy Code. See Local Bankruptcy Rule 102 regarding the requirements and procedures for making an application to employ an attorney.

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ____________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On ________________________________, I served the foregoing document described as: SUBSTITUTION OF ATTORNEY on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ______________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

____
Type Name

____
Signature

Attorney or Party Name, Address and Telephone Number *Attorney for*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	CHAPTER ____ CASE NUMBER
	(No Hearing Required)

DECLARATION RE: LIMITED SCOPE OF APPEARANCE PURSUANT TO LOCAL BANKRUPTCY RULE 102

TO THE COURT, THE DEBTOR, THE TRUSTEE (if any), AND THE UNITED STATES TRUSTEE:

1. I am the attorney for the Debtor in the above-captioned bankruptcy case.

2. On *(specify date)* ________________________, I agreed with the Debtor that for a fee of $ ___________, I would provide only the following services:

   a. ☐ Prepare and file the Petition and Schedules
   b. ☐ Represent the Debtor at the 341(a) Hearing
   c. ☐ Represent the Debtor in any relief from stay actions
   d. ☐ Represent the Debtor in any proceeding involving an objection to Debtor's discharge pursuant to 11 U.S.C. § 727
   e. ☐ Represent the Debtor in any proceeding to determine whether a specific debt is nondischargeable under 11 U.S.C. § 523
   f. ☐ Other *(specify)* :

3. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on the following date at the city set forth in the upper left-hand corner of this page.

Dated:

____
Law Firm Name

I HEREBY APPROVE THE ABOVE:

By: ______________________________

____
Signature of Debtor

Name: ______________________________
Attorney for Debtor

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ________________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On _____________________________________, I served the foregoing document described as: DECLARATION RE: LIMITED SCOPE OF APPEARANCE PURSUANT TO LOCAL BANKRUPTCY RULE 102 on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ____________________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

____
Type Name

____
Signature

Attorney or Party Name, Address and Telephone Number *Attorney for*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: Debtor.	CHAPTER ____ CASE NUMBER (No Hearing Required)

STATEMENT OF DISINTERESTEDNESS FOR EMPLOYMENT OF PROFESSIONAL PERSON UNDER BANKRUPTCY RULE 2014

(File with Application for Employment)

1. Name, address and telephone number of the professional ("the Professional") submitting this Statement:

2. The services to be rendered by the Professional in this case are *(specify)*:

3. The terms and source of the proposed compensation and reimbursement of the Professional are *(specify)*:

4. The source and amount of any retainer held by the Professional are *(specify)*:

January 1989 This form is optional. It has been approved for use by the United States Bankruptcy Court for the Central District of California. **220**

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

5. The investigation of disinterestedness made by the Professional prior to submitting this Statement consisted of *(specify)*:

6. The following is a complete description of all of the Professional's connections with the debtor, principals of the debtor, insiders, the debtor's creditors, any other party or parties in interest, and their respective attorneys and accountants *(specify, attaching extra pages as necessary)*:

7. The Professional is not and was not a creditor, an equity security holder or an insider of the debtor.

8. The Professional is not and was not an investment banker for any outstanding security of the debtor.

9. The Professional is not and was not, within three (3) years before the date of the filing of the petition herein, an investment banker for a security of the debtor, or an attorney for such an investment banker in connection with the offer, sale or issuance of any security of the debtor.

10. The Professional is not and was not, within two (2) years before the date of the filing of the petition herein, a director, officer or employee of the debtor or of any investment banker for any security of the debtor.

11. The Professional has no interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor or an investment banker for any security of the debtor, or for any other reason.

12. Name, address and telephone number of the person signing this Statement on behalf of the Professional and the relationship of such person to the Professional *(specify)*:

13. Total number of attached pages of supporting documentation: _______

14. To the best of my knowledge, after conducting or supervising the investigation described in Paragraph 5 above, I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Executed on the _______ day of ____________________________, 19_____, at ___________________________________, California.

____
Type Name of Professional

____
Signature of Professional

Attorney or Party Name, Address and Telephone Number *Attorney for*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	CHAPTER ____ CASE NUMBER

NOTICE OF OPPOSITION AND REQUEST FOR A HEARING

1. TO *(specify name)*:

2. NOTICE IS HEREBY GIVEN that ______________________________________, a party in interest, hereby opposes the following request *(specify that which is opposed)*:

3. This opposition is based upon the following grounds *(specify grounds)*:

(This Opposition is continued on the next page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

4. Attached hereto are the following documents in support of this opposition which are admissible under the Federal Rules of Evidence *(specify declarations and exhibits by name)*:

5. ☐ *(Optional)* Attached hereto is a Memorandum of Points and Authorities upon which opposing party will rely.

6. Total number of attached pages of supporting documentation: _______

WHEREFORE, the undersigned prays that this Court deny the subject request and set this matter for a hearing.

Dated:

Respectfully submitted,

____
Firm Name

By: ______________________________________

Name: ______________________________________
Attorney for:

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ______________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On ____________________________________, I served the foregoing document described as: NOTICE OF OPPOSITION AND REQUEST FOR A HEARING on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at _________________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

____
Type Name

____
Signature

Attorney or Party Name, Address and Telephone Number *Attorney for*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	
Movant(s), vs. Respondent(s).	CHAPTER ____ CASE NUMBER ☐ REFERENCE NUMBER (If Applicable) DATE: TIME: CTRM:

NOTICE OF NON-OPPOSITION

1. TO THE MOVANT *(specify name)*:

2. NOTICE IS HEREBY GIVEN that the ☐ Debtor ☐ Chapter ____ Trustee ☐ Other *(specify)*: ____________________ in the above-entitled proceeding does not oppose the granting of the following motion or application *(specify)*:

Dated:

Respectfully submitted,

____
Firm Name

By: ______________________________

Name: ______________________________
Attorney for (specify):

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ______________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On ________________________________, I served the foregoing document described as: NOTICE OF NON-OPPOSITION on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at _______________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

____

Type Name

____

Signature

Attorney or Party Name, Address and Telephone Number

Attorney for

FOR COURT USE ONLY

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re:

Debtor.

Movant(s),

vs.

Respondent(s).

CHAPTER _____ CASE NUMBER

REFERENCE NUMBER

NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362

1. TO THE DEBTOR, DEBTOR'S ATTORNEY AND OTHER INTERESTED PARTIES:

2. NOTICE IS HEREBY GIVEN that on the following date and time and in the indicated courtroom, Movant in the above-captioned matter will move this Court for an Order granting relief from the automatic stay on the grounds set forth in the attached Motion for Relief from the Automatic Stay.

3. **Hearing Date:** **Time:** **Courtroom:** **Floor:**

☐ **312 North Spring Street, Los Angeles**
☐ **201 North Figueroa Street, Los Angeles**
☐ **699 North Arrowhead Avenue, San Bernardino**
☐ **300 North Los Angeles Street, Los Angeles**
☐ **34 Civic Center Plaza, Santa Ana**
☐ **222 East Carrillo Street, Santa Barbara**

4. **Deadline for Opposition Papers:**
   a. ☐ This motion is being heard on regular notice pursuant to Local Bankruptcy Rule 112. If you wish to oppose this Motion, you must file a written response with the Bankruptcy Court and serve a copy of it upon the Movant or Movant's attorney at the address set forth above no less than five (5) court days prior to the above hearing date. If you fail to file a written response to this Motion within such time period, the Court may treat such failure as a waiver of your right to oppose the Motion and may grant the requested relief.

   b. ☐ This motion is being heard on shortened notice pursuant to Local Bankruptcy Rule 113(2). Oral or written response may be made at the hearing.

FRANK E. GOODROE
Clerk of the Bankruptcy Court

Dated:

By: ______________________________
Deputy Clerk

January 1989 This form is optional. It has been approved for use by the United States Bankruptcy Court for the Central District of California. **300**

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF ______________________

1. I am employed in the County of ______________________, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

2. ☐ **Regular Mail Service:** On ______________________, pursuant to Local Bankruptcy Rule 112, I served the documents described as: NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 AND MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ______________________, California, addressed as set forth below.

3. ☐ The Court granted Movant's Ex Parte / Motion for an Order Shortening Time as to the Motion for Relief from the Automatic Stay which required service to be completed as follows:

   a. ☐ **Personal Service:** On ______________________, which was at least 48 hours before the hearing date, pursuant to Local Bankruptcy Rule 113, personal service of the documents described as: NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 AND MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 was made at the address(es) set forth below.

   b. ☐ **Modified Mail Service:** On ______________________, which was at least two (2) business days before the hearing date, pursuant to Local Bankruptcy Rule 113, I served the documents described as: NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 AND MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ______________________, California, addressed as set forth below.

4. Parties and addresses upon which service was made *(Note: Both Debtor and Debtor's Attorney, if any, and such other parties as required by Local Bankruptcy Rule 112 or 113 must be served)*:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

______________________ ______________________
Type Name *Signature*

Attorney or Party Name, Address and Telephone Number Attorney for	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: Debtor.	
Movant(s), vs. Respondent(s).	CHAPTER ____ CASE NUMBER REFERENCE NUMBER DATE: TIME: CTRM:

MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (REAL PROPERTY)

1. Movant in the above-captioned matter moves this Court for an Order granting relief from the automatic stay on the grounds set forth below:

2. **Type of Case:**

a. ☐ A Voluntary Petition under Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was filed on:

b. ☐ An Involuntary Petition under Chapter ☐ 7 ☐ 11 was filed on:
☐ An Order of Relief under Chapter ☐ 7 ☐ 11 was entered on:

c. ☐ An Order of Conversion to Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was entered on:

d. ☐ Other:

3. **Procedural Status:**
a. ☐ Name of Trustee Appointed *(if any)*:
b. ☐ Name of Attorney of Record for Trustee *(if any)*:
c. ☐ *(Optional)* Prior Filing Information: Debtor has previously filed a Bankruptcy Petition on *(specify date)*:
If known: The prior case was dismissed on *(specify date)*:
d. ☐ *(If Chapter 13 case):* Chapter 13 Plan was confirmed on *(specify date)*:

(Continued on Next Page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

4. Movant alleges the following in support of its Motion:

a. Debtor lists on Schedule ☐ A-2 ☐ B-1 ☐ B-4 ☐ Not Listed the following real property which is the subject of this motion:

(1) Street address of property, including county and state in which located:

(2) Type of real property (e.g., single family residence, apartment building, commercial, industrial, condominium, unimproved):

(3) Legal Description of property *(specify)*: ☐ See Attached Page

(4) Fair market value of property as set forth in Debtor's Schedules *(specify)*: $ ____________________

b. Nature of Debtor's interest in the property (e.g., sole owner, co-owner, lessee, etc.):

c. Present fair market value of the property: $ ____________________ *(if applicable)*
(Attach supporting evidence)

d. Encumbrances:
(1) Voluntary encumbrances on the property listed in Schedules or otherwise known to Movant:

Lender Name	*Principal Balance*	*Pre-Petition Arrearages* *Total Amount*	*Pre-Petition Arrearages* • *No. of Months*	*Post-Petition Arrearages* *Total Amount*	*Post-Petition Arrearages* • *No. of Months*
1st:					
2nd:					
3rd:					
4th:					
Totals for all Liens:	$	$	________	$	________

(2) Involuntary encumbrances of record (e.g., tax, mechanic's, judgment and other liens, lis pendens) as listed in Schedules or otherwise known to Movant *(specify, including recording date)*: ☐ See Attached Page

e. Status of Movant's Loan:
(1) Amount of Monthly Payment: $
(2) Date of Last Payment:
(3) Date of Default:
(4) Notice of Default recorded on:
(5) Notice of Sale published on:
(6) Foreclosure Sale originally scheduled for:
(7) Foreclosure Sale currently scheduled for:

(Continued on Next Page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

f. *(If Chapter 13 Case, state the following:)*

(1) Date of Confirmation Hearing:

(2) Date of Post-Petition Default:

(3) Amount of Post-Petition Default:

g. Relief from the automatic stay should be granted because:

(1) ☐ Movant's interest in the property described above is not adequately protected.

(2) ☐ Debtor has no equity in the real property described above and such property is not necessary to an effective reorganization.

(3) ☐ Other cause exists as follows *(specify)*: ☐ See Attached Page

5. Movant attaches the following supporting evidence pursuant to Local Bankruptcy Rule 112(3)(a):

a. ☐ Declarations under penalty of perjury, which include any material which would be admissible under Federal Rules of Evidence and about which declarant would be allowed to testify if called as a witness at the hearing.

b. ☐ Other evidence *(specify)*: ☐ See Attached Page

6. ☐ *(Optional)* Memorandum of points and authorities upon which the moving party will rely.

7. Total number of attached pages of supporting documentation: ________

WHEREFORE, Movant prays that this Court issue an Order (a copy of the form of which is submitted herewith and has been served) granting the following:
☐ Relief from the automatic stay, or alternatively, for adequate protection
☐ Prospective relief and findings under Bankruptcy Code § 109(g)
☐ Attorney's fees and/or sanctions as requested in the supporting Declaration(s) and Order

Dated:

Respectfully submitted,

____
Firm Name

By: ______________________________

Name: ______________________________
Attorney for Movant

Attorney or Party Name, Address and Telephone Number *Attorney for*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	
Movant(s), vs.	CHAPTER ____ CASE NUMBER
	REFERENCE NUMBER
Respondent(s).	DATE: TIME: CTRM:

ORDER ON MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (REAL PROPERTY)

1. A ☐ preliminary hearing ☐ final hearing on Movant's motion for relief from stay took place as follows:

   a. Date: b. Time: c. Courtroom: d. Judge:

2. The matter was ☐ Contested ☐ Uncontested ☐ Settled by Stipulation ☐ Not Prosecuted

   a. ☐ Movant not present in Court ☐ Movant present *(Name)*:
   b. ☐ Attorney for Movant not present in Court ☐ Attorney for Movant present *(Name)*:
   c. ☐ Debtor not present in Court ☐ Debtor present *(Name)*:
   d. ☐ Attorney for Debtor not present in Court ☐ Attorney for Debtor present *(Name)*:
   e. ☐ Other parties present as reflected in the Court record

3. The street address of the property to which this Order applies is as follows *(specify)*:

4. The legal description of the property to which this Order applies is as follows *(specify)*: ☐ See Attached Page

(This Order is continued on the next page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

5. The Court orders, good cause appearing:

a. ☐ The preliminary hearing is consolidated with the final hearing.
b. ☐ Relief from stay is granted. Movant may:
  (1) ☐ Foreclose on the real property described in Paragraphs 3 and 4 and proceed with post-foreclosure remedies in accordance with applicable law.
  (2) ☐ Other *(specify)*: ☐ See Attached Page

c. ☐ Relief from stay is granted on the following grounds:
  (1) ☐ Lack of adequate protection
  (2) ☐ Debtor has no equity in the property described in Paragraphs 3 and 4 and the said property is not necessary to an effective reorganization
    (a) ☐ The fair market value of the property is $ _______________
    (b) ☐ The total of all liens and encumbrances against the property is $ _______________
  (3) *(If Chapter 13 case)*: There was a post-confirmation default as follows *(specify)*: ☐ See Attached Page

  (4) ☐ Other cause *(specify)*: ☐ See Attached Page

d. ☐ Relief from stay is denied ☐ with prejudice ☐ without prejudice on the following grounds:
  (1) ☐ Movant is adequately protected:
    (a) ☐ A sufficient equity cushion exists:
      (i) ☐ The fair market value of the property is $ _______________
      (ii) ☐ Total outstanding liens senior to movant's lien amount to $ _______________
      (iii) ☐ Movant's lien totals $ _______________
      (iv) ☐ The equity cushion protecting movant's interest is $ _______________
  (2) ☐ Movant has failed to carry its burden of proof
  (3) ☐ Movant failed to appear
  (4) ☐ Other cause *(specify)*: ☐ See Attached Page

e. ☐ Adequate Protection is ordered as follows:
  (1) ☐ Periodic payments are required as follows:
    (a) ☐ Regular monthly payments shall resume per the contract terms as of *(specify date)*:
    (b) ☐ In addition to regular monthly payments, the following payments shall be made:
      (i) ☐ $ _______________ on *(specify date)*:
      (ii) ☐ $ _______________ on *(specify date)*:
      (iii) ☐ $ _______________ on *(specify date)*:
  (2) ☐ Additional security is provided as follows *(specify)*: ☐ See Attached Page

  (3) ☐ Additional adequate protection is ordered as follows *(specify)*: ☐ See Attached Page

(This Order is continued on the next page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

f. ☐ *(Optional)* Supplemental findings of fact and conclusions of law are filed herewith.

g. ☐ The Court finds that there is a reasonable likelihood that the party or parties opposing relief from stay will prevail at the conclusion of the final hearing and, therefore, orders that the stay continue in effect pending the conclusion of the final hearing. A final hearing is set on the following date and at the following time:
Date: *Time:*

h. ☐ The preliminary hearing is reset on the following date and at the following time:
Date: *Time:*
  (1) ☐ The Court finds that the time limits for action on the motion for relief from stay have not begun to run because moving papers were not timely served upon all required parties.
  (2) ☐ The Court finds that proof of notice was not adequately established at the time of the hearing.

6. The Court further orders:

a. ☐ The relief granted in this Order is effective in any other Chapter ______ case filed by this Debtor within 180 days after the date of the hearing shown above.
b. ☐ The Chapter 13 Trustee is ordered to make no further payment to Movants.
c. ☐ The stay is annulled effective *(specify date)*:

7. The Court further orders that if the adequate protection payments are not made as set forth in Paragraph 5(e) above, then:

a. ☐ Relief from stay is effective without further order of this Court if the Debtor fails to cure the default within ten (10) days of written notice of the default to Debtor and Debtor's counsel, if any, and Trustee, if any.
b. ☐ Relief from stay may be obtained upon submission of a declaration by Movant's attorney specifying the default and upon submission of a Proposed Order. Debtor and Debtor's counsel, if any, and Trustee, if any, shall be served.
c. ☐ Relief from stay may be obtained on shortened notice under Local Bankruptcy Rule 113.
d. ☐ Relief from stay may be obtained on regular notice under Local Bankruptcy Rule 112.

8. ☐ The Court further orders as follows *(specify)*: ☐ See Attached Page

Dated:

____
JUDGE OF THE UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ______________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On ______________________________, I served the foregoing document described as: ORDER ON MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (REAL PROPERTY) on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ______________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

____
Type Name

____
Signature

Attorney or Party Name, Address and Telephone Number Attorney for	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	
Movant(s), vs.	CHAPTER ____ CASE NUMBER
	REFERENCE NUMBER
Respondent(s).	DATE: TIME: CTRM:

MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (UNLAWFUL DETAINER)

1. Movant in the above-captioned matter moves this Court for an Order granting relief from the automatic stay on the grounds set forth below:

2. a. A Petition under Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was filed on:

   b. *(Optional)* Prior Filing Information: Debtor has previously filed a Bankruptcy Petition on *(specify date)*:
   If known: The prior case was dismissed on *(specify date)*:

   c. ☐ See Attached Page for additional Prior Filing Information

3. Movant alleges the following in support of its Motion:

   a. Debtor occupies the premises commonly known as *(specify street address)*:

   b. Debtor occupies the premises
   ☐ on a month-to-month tenancy
   ☐ on a hold-over tenancy
   ☐ pursuant to a lease in default
   ☐ on a tenancy at will
   ☐ after a foreclosure sale
   ☐ pursuant to a terminated lease

   c. Debtor has failed to pay the monthly rent of $____________ since *(specify date)*:

(Continued on Next Page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

3. d. Procedural status in state court *(fill in all applicable data for completed steps)*

   (i) ☐ On *(specify date)*: ____________________, Movant served a Notice to Pay Rent or Quit on the Debtor(s).

   (ii) ☐ On *(specify date)*: ____________________, Movant filed a Complaint for Unlawful Detainer in State Court.

   (iii) ☐ Trial was held on *(specify date)*: ____________________.

   (iv) ☐ A Judgment was entered on said Complaint by the State Court on *(specify date)*: ____________________.

4. *(Optional)* Movant alleges that Debtor filed this bankruptcy case in bad faith based upon the following:

   a. ☐ The Debtor filed what is commonly referred to as a "face sheet" filing of only a few pages consisting of the Petition and a few other documents. No Schedules or Statement of Affairs (or Chapter 13 Statement or Plan, if appropriate) accompanied the Petition.
   b. ☐ The landlord and/or the landlord's attorney was the only creditor listed on the master mailing matrix.
   c. ☐ Movant is informed and believes that the Debtor filed the Petition herein for the sole purpose of attempting to obstruct a state court unlawful detainer proceeding and without intending to seek a fresh start as provided under the Bankruptcy Code. Debtor's use of the bankruptcy system for such purpose is an abuse of such system.

5. Movant attaches the following supporting evidence pursuant to Local Bankruptcy Rule 112(3)(a):

   a. ☐ Declarations under penalty of perjury which include any material to which the declarant would be allowed, under Federal Rules of Evidence, to testify if called as a witness at the hearing.

   b. ☐ Copy of State Court Unlawful Detainer Judgment.

   c. ☐ *(Optional)* Memorandum of the points and authorities upon which the movant will rely.

   d. ☐ Other evidence *(specify)*: ☐ See Attached Page

6. Total number of attached pages of supporting documentation: _______

WHEREFORE, Movant prays that this Court issue an Order (a copy of the form of which is submitted herewith and has been served) granting the following:
☐ Relief from the automatic stay, or alternatively, for adequate protection
☐ Prospective relief and findings under Bankruptcy Code § 109(g)
☐ Attorney's fees and/or sanctions as requested in the supporting Declaration(s) and Order

Dated:

Respectfully submitted,

____
Firm Name

By: ______________________________

Name: ______________________________
Attorney for Movant

Attorney or Party Name, Address and Telephone Number *Attorney for*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	
Movant(s), vs.	CHAPTER ____ CASE NUMBER
	REFERENCE NUMBER
Respondent(s).	DATE: TIME: CTRM:

ORDER ON MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (UNLAWFUL DETAINER)

1. A ☐ preliminary hearing ☐ final hearing on Movant's motion for relief from stay took place as follows:

   a. Date: b. Time: c. Courtroom: d. Judge:

2. The matter was ☐ Contested ☐ Uncontested ☐ Settled by Stipulation ☐ Not Prosecuted

   a. ☐ Movant not present in Court ☐ Movant present *(Name)*:
   b. ☐ Attorney for Movant not present in Court ☐ Attorney for Movant present *(Name)*:
   c. ☐ Debtor not present in Court ☐ Debtor present *(Name)*:
   d. ☐ Attorney for Debtor not present in Court ☐ Attorney for Debtor present *(Name)*:
   e. ☐ Other parties present as reflected in the Court record

3. The street address of the property to which this Order applies is as follows:

4. Based upon the pleadings and other documents on file herein and the declarations and other evidence submitted with the motion and in response thereto, the Court finds that:

   a. ☐ Debtor has no equity in the property and the property is not necessary to an effective reorganization.

(This Order is continued on the next page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

b. ☐ Movant's interest is not adequately protected.

c. ☐ Debtor filed a "face sheet" Petition without filing appropriate Schedules, a Statement of Affairs or a Chapter 13 Statement and Plan.

d. ☐ The landlord and/or landlord's attorney was the only creditor listed on the master mailing matrix.

e. ☐ This filing was in made in bad faith and solely for the purpose of avoiding a lawful eviction.

f. ☐ Other *(specify)*: ☐ See Attached Page

5. Based upon the foregoing findings, and good cause appearing therefor, IT IS HEREBY ORDERED:

a. ☐ Relief from stay is granted
b. ☐ The relief granted is res judicata in all subsequent cases filed by the Debtor for a period of 180 days from the date of hearing shown above.
c. ☐ The stay is annulled effective *(specify date)*:
d. ☐ Relief from stay is denied without prejudice on the following grounds:
  (1) ☐ Movant has failed to carry its burden of proof
  (2) ☐ Movant failed to appear
  (3) ☐ The nature of Debtor's interest in the leasehold must be determined under 11 U.S.C. § 365
  (4) ☐ Other grounds *(specify)*: ☐ See Attached Page

e. ☐ The motion is withdrawn by Movant

f. ☐ The Court finds that there is a reasonable likelihood that the party or parties opposing relief from stay will prevail at the conclusion of the final hearing and, therefore, orders that the stay continue in effect pending the conclusion of the final hearing. A final hearing is set on the following date and at the following time:
Date: *Time:*

g. ☐ The preliminary hearing is reset on the following date and at the following time:
Date: *Time:*
  (1) ☐ The Court finds that the time limits for action on the motion for relief from stay have not begun to run because moving papers were not timely served upon all required parties.
  (2) ☐ The Court finds that proof of service was not adequately established at the time of the hearing.

6. ☐ The Court further orders as follows: ☐ See Attached Page

Dated:

JUDGE OF THE UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ____________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On ________________________________, I served the foregoing document described as: ORDER ON MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (UNLAWFUL DETAINER) on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ______________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

____
Type Name

____
Signature

Attorney or Party Name, Address and Telephone Number *Attorney for*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: Debtor.	
Movant(s), vs. Respondent(s).	CHAPTER _____ CASE NUMBER
	REFERENCE NUMBER
	DATE: TIME: CTRM:

MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (PERSONAL PROPERTY)

1. Movant in the above-captioned matter moves this Court for an Order granting relief from the automatic stay on the grounds set forth below:

2. **Type of Case:**

   a. ☐ A Voluntary Petition under Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was filed on:

   b. ☐ An Involuntary Petition under Chapter ☐ 7 ☐ 11 was filed on:
   ☐ An Order of Relief under Chapter ☐ 7 ☐ 11 was entered on:

   c. ☐ An Order of Conversion to Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was entered on:

   d. ☐ Other:

3. **Procedural Status:**
   a. ☐ Name of Trustee Appointed *(if any)*:
   b. ☐ Name of Attorney of Record for Trustee *(if any)*:
   c. ☐ *(Optional)* Prior Filing Information: Debtor has previously filed a Bankruptcy Petition on *(specify date)*:
   If known: The prior case was dismissed on *(specify date)*:
   d. ☐ *(If Chapter 13 case):* Chapter 13 Plan was confirmed on *(specify date)*:

(Continued on Next Page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

4. Movant alleges the following in support of its Motion:

a. ☐ *(Chapter 13 Cases Only)*: Declaration re: non-payment from Chapter 13 Trustee is attached

b. Debtor lists on Schedule ☐ B-2 ☐ B-3 ☐ Not Listed the following personal property which is the subject of this motion:

(1) General description of property, including street address, county and state in which located:

(2) If a motor vehicle, boat or other property for which a Title Certificate is provided for by state law, copies of the following items are attached hereto:

(a) ☐ Certificate of Title (*"Pink Slip"*)
(b) ☐ Lease
(c) ☐ Security Agreement and Purchase/Lease Agreement
(d) ☐ Evidence of Payment History and Defaults
(e) ☐ Other evidence of perfection of security interest

(3) If equipment or other property not owned by the Debtor or subject to a blanket lien, but for which no Title Certificate is provided for by state law, copies of the following items are attached hereto:

(a) ☐ Security Agreement
(b) ☐ UCC-1
(c) ☐ Lease
(d) ☐ Evidence of Payment History and Defaults
(e) ☐ Other evidence of perfection of security interest

(4) If property is consumer goods, copies of the following items are attached hereto:

(a) ☐ Credit Application
(b) ☐ Purchase Agreement
(c) ☐ Account Statement showing Payments made and Balance Due
(d) ☐ Other evidence of perfection of security interest *(if necessary under state law)*

c. Nature of Debtor's interest in the property (i.e., sole owner, co-owner, lessee, etc.):

d. Present fair market value of the property: $ ____________ ________
(Attach supporting evidence)

(Continued on Next Page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

e. ☐ The personal property which is the subject of this motion is depreciating in value.

f. Relief from the automatic stay should be granted because:

(1) ☐ Debtor has no equity in the property described above and such property is not necessary to an effective reorganization.

(2) ☐ Movant's interest in the property described above is not adequately protected.

(3) ☐ Other cause exists as follows *(specify)*:

5. Movant attaches the following supporting evidence pursuant to Local Bankruptcy Rule 112(3)(a):

a. ☐ Declarations under penalty of perjury which include any material to which the declarant would be allowed, under Federal Rules of Evidence, to testify if called as a witness at the hearing.

b. ☐ *(Optional)* Memorandum of points and authorities upon which the moving party will rely.

c. ☐ Other evidence *(specify)*:

6. Total number of attached pages of supporting documentation: ________

WHEREFORE, Movant prays that this Court issue an Order (a copy of the form of which is submitted herewith and has been served) granting the following:
☐ Relief from the automatic stay, or alternatively, for adequate protection
☐ Prospective relief and findings under Bankruptcy Code § 109(g)
☐ Attorney's fees and/or sanctions as requested in the supporting Declaration(s) and Order

Dated:

Respectfully submitted,

____
Firm Name

By: ______________________________

Name: ______________________________
Attorney for Movant

Attorney or Party Name, Address and Telephone Number *Attorney for*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	
Movant(s), vs.	CHAPTER _____ CASE NUMBER
	REFERENCE NUMBER
Respondent(s).	DATE: TIME: CTRM:

ORDER ON MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (PERSONAL PROPERTY)

1. A ☐ preliminary hearing ☐ final hearing on Movant's motion for relief from stay took place as follows:

a. Date: b. Time: c. Courtroom: d. Judge:

2. The matter was ☐ Contested ☐ Uncontested ☐ Settled by Stipulation ☐ Not Prosecuted

a. ☐ Movant not present in Court ☐ Movant present *(Name)*:

b. ☐ Attorney for Movant not present in Court ☐ Attorney for Movant present *(Name)*:

c. ☐ Debtor not present in Court ☐ Debtor present *(Name)*:

d. ☐ Attorney for Debtor not present in Court ☐ Attorney for Debtor present *(Name)*:

e. ☐ Other parties present as reflected in the Court record

3. The description of the property to which this Order applies is as follows *(specify)*: ☐ See Attached Page

(This Order is continued on the next page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER

4. The Court orders, good cause appearing:

a. ☐ The preliminary hearing is consolidated with the final hearing.
b. ☐ Relief from stay is granted. Movant may:
  (1) ☐ Recover possession of the property described in Paragraph 3 and sell or otherwise dispose of it in accordance with applicable law.
  (2) ☐ Other *(specify)*: ☐ See Attached Page

c. ☐ Relief from stay is granted on the following grounds:
  (1) ☐ Lack of adequate protection
  (2) ☐ Debtor has no equity in the property described in Paragraph 3 and the said property is not necessary to an effective reorganization
    (a) ☐ The fair market value of the property is $ ______________
    (b) ☐ The total of all liens and encumbrances against the property is $ ______________
  (3) ☐ Other cause *(specify)*: ☐ See Attached Page

d. ☐ Relief from stay is denied ☐ with prejudice ☐ without prejudice on the following grounds:
  (1) ☐ Movant is adequately protected:
    (a) ☐ A sufficient equity cushion exists:
      (i) ☐ The fair market value of the property is $ ______________
      (ii) ☐ Total outstanding liens senior to movant's lien amount to $ ______________
      (iii) ☐ Movant's lien totals $ ______________
      (iv) ☐ The equity cushion protecting movant's interest is $ ______________
    (b) ☐ Periodic payments are required as follows:
      (i) ☐ Regular monthly payments shall resume per the contract terms as of *(specify date)*:
      (ii) ☐ In addition to regular monthly payments, the following payments shall be made:
        (A) ☐ $ ______________ on *(specify date)*:
        (B) ☐ $ ______________ on *(specify date)*:
        (C) ☐ $ ______________ on *(specify date)*:
    (c) ☐ Additional security is provided as follows *(specify)*: ☐ See Attached Page

  (2) ☐ Movant has failed to carry its burden of proof
  (3) ☐ Movant failed to appear
  (4) ☐ Other cause *(specify)*: ☐ See Attached Page

(This Order is continued on the next page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

e. ☐ *(Optional)* Supplemental findings of fact and conclusions of law are filed herewith.

f. ☐ The Court finds that there is a reasonable likelihood that the party or parties opposing relief from stay will prevail at the conclusion of the final hearing and, therefore, orders that the stay continue in effect pending the conclusion of the final hearing. A final hearing is set on the following date and at the following time:
Date: *Time:*

g. ☐ The preliminary hearing is reset on the following date and at the following time:
Date: *Time:*
(1) ☐ The Court finds that the time limits for action on the motion for relief from stay have not begun to run because moving papers were not timely served upon all required parties.
(2) ☐ The Court finds that the proof of notice was not adequately established at the time of the hearing.

5. The Court further orders:

a. ☐ The relief granted in this Order is effective in any other Chapter _____ case filed by this Debtor within 180 days after the date of the hearing shown above.
b. ☐ The Chapter 13 Trustee is ordered to make no further payment to Movants.
c. ☐ The stay is annulled effective *(specify date)*:

6. The Court further orders that if the adequate protection payments are not made as set forth in Paragraph 2(d) above, then:

a. ☐ Relief from stay is effective without further order of this Court if the Debtor fails to cure the default within ten (10) days of written notice of the default to Debtor and Debtor's counsel, if any, and Trustee, if any.
b. ☐ Relief from stay may be obtained upon submission of a declaration by Movant's attorney specifying the default and upon submission of a Proposed Order. Debtor and Debtor's counsel, if any, and Trustee, if any, shall be served.
c. ☐ Relief from stay may be obtained on shortened notice under Local Bankruptcy Rule 113.
d. ☐ Relief from stay may be obtained on regular notice under Local Bankruptcy Rule 112.

7. ☐ The Court further orders as follows *(specify)*: ☐ See Attached Page

Dated:

JUDGE OF THE UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ______________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On ______________________________, I served the foregoing document described as: ORDER ON MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (PERSONAL PROPERTY) on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ______________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

____
Type Name

____
Signature

Attorney or Party Name, Address and Telephone Number *Attorney for*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	
Movant(s), vs.	CHAPTER _____ CASE NUMBER
	REFERENCE NUMBER
Respondent(s).	DATE: TIME: CTRM:

ORDER DENYING MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 FOR FAILURE TO PROSECUTE

1. A ☐ preliminary hearing ☐ final hearing on Movant's motion for relief from stay took place as follows:

   a. Date: b. Time: c. Courtroom: d. Judge:

2. Appearances were made as follows:

   a. ☐ Movant not present in Court ☐ Movant present *(Name)*:
   b. ☐ Attorney for Movant not present in Court ☐ Attorney for Movant present *(Name)*:
   c. ☐ Debtor not present in Court ☐ Debtor present *(Name)*:
   d. ☐ Attorney for Debtor not present in Court ☐ Attorney for Debtor present *(Name)*:
   e. ☐ Other parties present as reflected in the Court record

3. The property that is the subject of the motion is as follows:

   a. ☐ Real property, owned by the Debtor, located at *(specify street address)*:

   b. ☐ Rental real property located at *(specify street address)*:

   c. ☐ Personal property:
      (1) Description:

      (2) Location:

(This Order is continued on the next page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

4. The motion seeks relief from stay to proceed with:
   - a. ☐ Eviction proceedings
   - b. ☐ Foreclosure proceedings
   - c. ☐ A lawsuit against the debtor
   - d. ☐ Other claims *(specify)*: ☐ See Attached Page

5. Relief from stay is denied without prejudice because Movant failed to appear at the hearing or otherwise prosecute the motion.

6. ☐ The Court further orders as follows *(specify)*: ☐ See Attached Page

Dated:

JUDGE OF THE UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ____________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On ________________________________, I served the foregoing document described as: ORDER DENYING RELIEF FROM STAY UNDER 11 U.S.C. § 362 FOR FAILURE TO PROSECUTE on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ______________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

Type Name

Signature

Attorney or Party Name, Address and Telephone Number Attorney for	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	
Movant(s), vs.	CHAPTER ____ CASE NUMBER
	REFERENCE NUMBER
Respondent(s).	DATE: TIME: CTRM:

NOTICE OF OPPOSITION TO MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362

1. TO THE MOVANT *(specify name)*:

2. NOTICE IS HEREBY GIVEN that the ☐ Debtor ☐ Chapter ____ Trustee in the above-entitled proceeding hereby opposes the Motion for Relief from the Automatic Stay on the following grounds *(specify)*: ☐ See Attached Page

(This Opposition is continued on the next page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

3. Pursuant to Local Bankruptcy Rule 112, attached hereto are the following documents in support of this opposition which are admissible under the Federal Rules of Evidence:

☐ Declaration by Debtor
☐ Declaration by Trustee
☐ Other *(specify)*:
☐ Declaration by Counsel for Debtor
☐ Declaration by Counsel for Trustee

4. ☐ *(Optional)* Attached hereto is a Memorandum of Points and Authorities upon which opposing party will rely.

5. Total number of attached pages of supporting documentation: _______

WHEREFORE, Debtor/Trustee prays that this Court deny the Motion for Relief from the Automatic Stay.

Dated:

Respectfully submitted,

____
Firm Name

By: ______________________________

Name: ______________________________
Attorney for Debtor/Trustee

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ____________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On ______________________________, I served the foregoing document described as: NOTICE OF OPPOSITION TO MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ____________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

____
Type Name

____
Signature

Attorney or Party Name, Address and Telephone Number *Attorney for*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	CHAPTER _____ CASE NUMBER
	(No Hearing Required)

DEBTOR'S MOTION TO CONVERT CASE UNDER 11 U.S.C. §§ 706(a), 1112(a), 1208(a) OR 1307(d)

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

1. Debtor hereby moves this Court for an Order converting the above Chapter ______ case to a case under Chapter ______ on the grounds set forth below:

2. **Filing Information:**

   a. ☐ A Voluntary Petition under Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was filed on:

   b. ☐ An Involuntary Petition under Chapter ☐ 7 ☐ 11 was filed on:
   ☐ An Order of Relief under Chapter ☐ 7 ☐ 11 was entered on:

   c. ☐ An Order of Conversion to Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was entered on:

   d. ☐ Other *(specify)*:

3. **Procedural Status:**

   a. ☐ Name of Trustee Appointed *(if any)*:

   b. ☐ Name of Attorney of Record for Trustee *(if any)*:

(Continued on Next Page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

4. Debtor alleges that this case has not been previously converted and that Debtor is eligible for relief under the chapter for which conversion is requested.

WHEREFORE, Debtor prays that this Court issue an Order (the form of which is submitted herewith and has been served) converting this case from one under Chapter ______ to a case under Chapter ______.

Dated:

Respectfully submitted,

____
Firm Name

By: ______________________________

Name: ______________________________
Attorney for Debtor or Debtor

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ____________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On ______________________________, I served the foregoing document described as: DEBTOR'S MOTION TO CONVERT CASE UNDER 11 U.S.C. §§ 706(a), 1112(a), 1208(a) OR 1307(d) on the Chapter ______ Trustee (if any) and the United States Trustee at their last known addresses by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ____________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

____
Type Name

____
Signature

Attorney or Party Name, Address and Telephone Number *Attorney for*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: Debtor.	CHAPTER ____ CASE NUMBER
	(No Hearing Required)

ORDER ON DEBTOR'S MOTION TO CONVERT CASE UNDER 11 U.S.C. §§ 706(a), 1112(a), 1208(a) OR 1307(d)

Pursuant to Local Bankruptcy Rule 111(7)(b), Debtor moved to convert this Chapter ________ case to a case under Chapter ________ on *(specify date)*:

THE COURT FINDS AND ORDERS AS FOLLOWS:

1. ☐ Motion granted. This case was not previously converted from another Chapter and Debtor is entitled to relief under the Chapter to which conversion is sought. This case is hereby converted to Chapter ______ pursuant to:
   11 U.S.C. § ☐ 706(a) ☐ 1112(a) ☐ 1208(a) ☐ 1307(d)

2. ☐ Upon conversion to Chapter 7, Debtor is hereby required to file a Final Report and Schedule of Post-Petition Debts within thirty (30) days after the date of the entry of this Order.

3. ☐ Motion denied without prejudice on the following grounds *(specify)*:

4. ☐ Motion denied with prejudice on the following grounds:
   a. ☐ Case previously converted under 11 U.S.C. § ☐ 1112 ☐ 1208 ☐ 1307
   b. ☐ Debtor is not an eligible Debtor under the Chapter to which conversion is sought
   c. ☐ Debtor is not a Debtor-in-Possession as required under 11 U.S.C. § 1112
   d. ☐ Case was originally commenced as an involuntary Chapter 11 case and is not eligible for automatic conversion under 11 U.S.C. § 1112

5. ☐ This matter is set for hearing as follows: *Date:* *Time:* *Ctrm:*
   Address of Courtroom:

6. ☐ Notice is required as follows *(specify)*:

7. ☐ The Court further orders as follows *(specify)*: ☐ See Attached Page

Dated:

____
JUDGE OF THE UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

January 1989 This form is optional. It has been approved for use by the United States Bankruptcy Court for the Central District of California

In re (SHORT TITLE) Debtor.	CHAPTER _____ CASE NUMBER:

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ____________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On ____________________________________, I served the foregoing document described as: ORDER ON DEBTOR'S MOTION TO CONVERT CASE UNDER 11 U.S.C. §§ 706(a), 1112(a), 1208(a) OR 1307(d) on the Chapter ______ Trustee (if any) and the United States Trustee at their last known addresses by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ________________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

____
Type Name

____
Signature

Attorney or Party Name, Address and Telephone Number *Attorney for*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	CHAPTER 13 CASE NUMBER (No Hearing Required)

DEBTOR'S REQUEST TO CONVERT CHAPTER 13 CASE TO ONE UNDER CHAPTER 7 PURSUANT TO 11 U.S.C. § 1307(a)

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Debtor hereby requests that this Court enter an Order converting the above Chapter 13 case to a case under Chapter 7 on the grounds set forth below:

1. A Voluntary Petition under Chapter 13 was filed on:

2. This case has not been previously converted.

Dated:

Respectfully submitted,

____
Firm Name

By: ________________________________

Name: ______________________________
Attorney for Debtor or Debtor

January 1989 This form is optional. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

Attorney or Party Name, Address and Telephone Number

Attorney for

FOR COURT USE ONLY

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re:

Debtor.

CHAPTER _____ CASE NUMBER

(No Hearing Required)

NOTICE OF MOTION AND MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (REAL PROPERTY)

1. TO THE CREDITOR, CREDITOR'S ATTORNEY AND OTHER INTERESTED PARTIES:

2. NOTICE IS HEREBY GIVEN that the Debtor hereby moves this Court for an Order, without a hearing, avoiding a lien on the grounds set forth below.

3. **Deadline for Opposition Papers:**
Pursuant to Local Bankruptcy Rule 111(7)(a), any party objecting to Debtor's Motion may file and serve a written objection and request a hearing on this Motion. If you fail to file a written response within twenty (20) days of the date of service of this Notice, the Court may treat such failure as a waiver of your right to oppose this Motion and may grant the requested relief.

4. **Type of Case:**

   a. ☐ A Voluntary Petition under Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was filed on:

   b. ☐ An Involuntary Petition under Chapter ☐ 7 ☐ 11 was filed on:

      ☐ An Order of Relief under Chapter ☐ 7 ☐ 11 was entered on:

   c. ☐ An Order of Conversion to Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was entered on:

   d. ☐ Other:

5. **Procedural Status:**

   a. ☐ Name of Trustee Appointed *(if any)*:

   b. ☐ Name of Attorney of Record for Trustee *(if any)*:

(Continued on Next Page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

6. Debtor claims an exemption in the subject real property under:

   a. ☐ California Code of Civil Procedure § __________ (Homestead): Exemption amount claimed on Schedules: $________________
   b. ☐ California Code of Civil Procedure § __________ Exemption amount claimed on Schedules: $________________
   c. ☐ Other Statute *(specify)*:

7. Debtor's entitlement to an exemption is impaired by judicial lien, the details of which are as follows:

   a. Date of Entry of Judgment *(specify)*:
   b. Case Name *(specify)*:
   c. Docket Number *(specify)*:
   d. Date of Recordation of Lien *(specify)*:
   e. Recorder's Instrument Number or Map/Book/Page *(specify)*:

8. The street address of the property claimed to be exempt is *(specify)*:

9. Debtor alleges that the fair market value of the property claimed exempt is: $ ________________.

10. The subject property is encumbered with the following liens *(list in order of priority and place an "X" as to the lien to be avoided by this Motion)*:

Name of Lien Holder	"X"	Date Lien Recorded	Original Lien Amt	Current Lien Amt	Date of Current Lien Amt
			$	$	
			$	$	
			$	$	
			$	$	
			$	$	
			$	$	

11. Debtor attaches copies of the following documents in support of the motion (as appropriate):

    a. ☐ Schedule B-4 listing all exemptions claimed by Debtor(s)
    b. ☐ Appraisal of the property
    c. ☐ Documents showing current balance due as to the liens specified in Paragraph 10 above
    d. ☐ Recorded Abstract of Judgment
    e. ☐ Recorded Declaration of Homestead (Homestead Exemption)
    f. ☐ Declaration(s)
    g. ☐ Other *(specify)*:

(Continued on Next Page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

12. Total number of attached pages of supporting documentation: _______

13. Debtor declares under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this motion was executed on the following date at ____________________________, California.

WHEREFORE, Debtor prays that this Court issue an Order (a copy of the form of which is submitted herewith and has been served) avoiding the creditor's lien.

Dated:

____
Debtor's Signature

Dated:

____
Law Firm Name

By: ____________________________________

Name: __________________________________
Attorney for Debtor

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ____________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On ____________________________________, I served the foregoing document described as: NOTICE OF MOTION AND MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (REAL PROPERTY) on the lienholder whose lien is sought to be avoided, the lienholder's attorney (if known), on the Chapter _____ Trustee and the United States Trustee at their last known addresses by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at __________________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

____________________________________ ______________________________________
Type Name *Signature*

Attorney or Party Name, Address and Telephone Number Attorney for	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: Debtor.	CHAPTER _____ CASE NUMBER
	(No Hearing Required)

ORDER ON MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (REAL PROPERTY)

Pursuant to 11 U.S.C. § 522(f) and Local Bankruptcy Rule 111(7)(a), Debtor(s) moved to avoid a judicial lien on real property claimed to be exempt. THE COURT FINDS AND ORDERS AS FOLLOWS:

1. Notice of this motion complied with Local Bankruptcy Rule 111(7)(a).

2. **Hearing Information:**

   a. ☐ No hearing is required: Debtor has filed a declaration (Form 440) stating that no opposition was timely received.

   b. ☐ A timely objection was received and a hearing was held as follows:

      (1) Date: (2) Time: (3) Courtroom: (4) Judge:

      (5) The matter was ☐ Contested ☐ Uncontested ☐ Settled by Stipulation ☐ Not Prosecuted

      (6) ☐ Debtor present in Court *(Name)*:
      (7) ☐ Attorney for Debtor present in Court *(Name)*:
      (8) ☐ Attorney for Lienholder present in Court *(Name)*:
      (9) ☐ Other parties present as reflected in the Court record

3. The street address of the real property to which this Order applies is *(specify)*:

4. ☐ Motion granted:

   a. ☐ The judicial lien sought to be avoided impairs an exemption to which Debtor(s) would otherwise be entitled under 11 U.S.C. § 522(d)

   b. ☐ The judicial lien is hereby declared void and unenforceable:
      (1) ☐ In its entirety
      (2) ☐ In the following amount *only*: $_________________. The balance of $_________________ remains a valid and enforceable lien against the property

(This Order is continued on next page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

5. ☐ Motion denied on the following grounds: ☐ With Prejudice ☐ Without Prejudice

   a. ☐ Insufficient notice
   b. ☐ Insufficient evidence of the exempt status of the property in question
   c. ☐ Other *(specify)*:

6. ☐ The Court further orders as follows *(specify)*: ☐ See Attached Page

Dated:

JUDGE OF THE UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ____________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On ______________________________, I served the foregoing document described as: ORDER ON MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (REAL PROPERTY) on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ____________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

Type Name

Signature

Attorney or Party Name, Address and Telephone Number *Attorney for*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	CHAPTER _____ CASE NUMBER (No Hearing Required)

NOTICE OF MOTION AND MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (PERSONAL PROPERTY)

1. TO THE CREDITOR, CREDITOR'S ATTORNEY AND OTHER INTERESTED PARTIES:

2. NOTICE IS HEREBY GIVEN that the Debtor hereby moves this Court for an Order, without a hearing, avoiding a lien on the grounds set forth below.

3. **Deadline for Opposition Papers:**
Pursuant to Local Bankruptcy Rule 111(7)(a), any party objecting to Debtor's Motion may file and serve a written objection and request a hearing on this Motion. If you fail to file a written response within twenty (20) days of the date of service of this Notice, the Court may treat such failure as a waiver of your right to oppose this Motion and may grant the requested relief.

4. **Type of Case:**

   a. ☐ A Voluntary Petition under Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was filed on:

   b. ☐ An Involuntary Petition under Chapter ☐ 7 ☐ 11 was filed on:

   ☐ An Order of Relief under Chapter ☐ 7 ☐ 11 was entered on:

   c. ☐ An Order of Conversion to Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was entered on:

   d. ☐ Other:

5. **Procedural Status:**

   a. ☐ Name of Trustee Appointed *(if any)*:

   b. ☐ Name of Attorney of Record for Trustee *(if any)*:

(Continued on Next Page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

6. Debtor claims an exemption in the subject personal property under:
   - a. ☐ California Code of Civil Procedure § ____________ Exemption amount claimed on Schedules: $________________
   - b. ☐ California Code of Civil Procedure § ____________ Exemption amount claimed on Schedules: $________________
   - c. ☐ Other Statute *(specify)*:
   - d. ☐ Other Statute *(specify)*:

7. Debtor's entitlement to an exemption is impaired by a non-judicial lien, the details of which are as follows:
   - a. On *(specify date)*: ________________________, Debtor obtained a consumer loan from Respondent in the principal amount of *(specify amount)*: $
   - b. As security for said loan, Debtor gave Respondent a security interest in certain personal property in Debtor's possession
   - c. The loan was neither obtained nor used for the purpose of buying the personal property described in Paragraph (b) above
   - d. The current balance due on the loan is *(specify amount)*: $

9. On Schedule B-4, Debtor claimed an exemption in said personal property.

10. Debtor alleges that the fair market value of each individual item of the personal property claimed exempt is set forth in a declaration attached hereto. *(Attach Debtor's declaration to this motion)*

11. Debtor attaches the following documents in support of the motion (as appropriate):

   - a. ☐ Schedule B-4 listing all exemptions claimed by Debtor(s)
   - b. ☐ Loan agreement
   - c. ☐ Security agreement
   - d. ☐ Declaration of Fair Market Value
   - e. ☐ Other *(specify)*:
   - f. ☐ Other *(specify)*:
   - g. ☐ Other *(specify)*:

12. Total number of attached pages of supporting documentation: _______

13. Debtor declares under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this motion was executed on the following date at ____________________________, California.

WHEREFORE, Debtor prays that this Court issue an Order (a copy of the form of which is submitted herewith and has been served) avoiding the subject lien.

Dated:

____
Debtor's Signature

Dated:

____
Law Firm Name

By: ________________________________

Name: ________________________________
Attorney for Debtor

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ____________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On ____________________________________, I served the foregoing document described as: NOTICE OF MOTION AND MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (PERSONAL PROPERTY) on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ________________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

____
Type Name

____
Signature

Attorney or Party Name, Address and Telephone Number *Attorney for*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	CHAPTER _____ CASE NUMBER (No Hearing Required)

ORDER ON MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (PERSONAL PROPERTY)

Pursuant to 11 U.S.C. § 522(f) and Local Bankruptcy Rule 111(7)(a), Debtor(s) moved to avoid liens on personal property claimed to be exempt. THE COURT FINDS AND ORDERS AS FOLLOWS:

1. Notice of this motion complied with Local Bankruptcy Rule 111(7)(a).

2. **Hearing Information:**

   a. ☐ No hearing is required: Debtor has filed a declaration (Form 440) stating that no opposition was timely received.

   b. ☐ A timely objection was received and a hearing was held as follows:

      (1) Date: (2) Time: (3) Courtroom: (4) Judge:

      (5) The matter was ☐ Contested ☐ Uncontested ☐ Settled by Stipulation ☐ Not Prosecuted

      (6) ☐ Debtor present in Court *(Name)*:

      (7) ☐ Attorney for Debtor present in Court *(Name)*:

      (8) ☐ Attorney for Lienholder present in Court *(Name)*:

      (9) ☐ Other parties present as reflected in the Court record

(This Order is continued on next page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

3. ☐ Motion granted:

   a. ☐ The liens sought to be avoided are non-purchase money security interests in personal property

   b. ☐ The personal property collateral is exempt under:
      (1) ☐ California Code of Civil Procedure § ____________ (Household Goods)
      (2) ☐ California Code of Civil Procedure § ____________ (Jewelry)
      (3) ☐ California Code of Civil Procedure § ____________ (Musical Instruments)
      (4) ☐ California Code of Civil Procedure § ____________ (Tools of Trade)
      (5) ☐ California Code of Civil Procedure § ____________ (*Specify:* ______________________________)
      (6) ☐ Other statute *(specify)*:

4. ☐ Motion denied on the following grounds: ☐ With Prejudice ☐ Without Prejudice

   a. ☐ Insufficient notice
   b. ☐ Insufficient evidence of the exempt status of the property in question
   c. ☐ Other *(specify)*:

5. ☐ The Court further orders as follows *(specify)*: ☐ See Attached Page

Dated:

____
JUDGE OF THE UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ____________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On ______________________________, I served the foregoing document described as: ORDER ON MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (PERSONAL PROPERTY) on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ____________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

____
Type Name

____
Signature

Attorney or Party Name, Address and Telephone Number

Attorney for

FOR COURT USE ONLY

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re:

Debtor.

CHAPTER ____ CASE NUMBER

(No Hearing Required)

DECLARATION RE: ENTRY OF ORDER WITHOUT HEARING PURSUANT TO LOCAL BANKRUPTCY RULE 111(7)

1. I am the ☐ Movant ☐ Movant's Attorney in this matter and hereby declare as follows:

2. On *(specify date)*: ______________________, Movant filed a motion entitled *(specify)*:

3. A copy of the motion and notice of motion is attached hereto.

4. Pursuant to Local Bankruptcy Rule 111(7), the motion was served by mail on *(specify date)*: ______________________, together with a notice stating that any party objecting to the motion has 20 days within which to file and serve any written objection and request a hearing on the above motion.

5. More than ______ days have passed since the service of the notice of motion.

6. No objection has been timely served on Movant at the address specified in the notice. Therefore, no hearing is required.

7. The proposed Order is submitted herewith. *(Submit original and appropriate copies of Order with envelopes and Notice of Entry)*

WHEREFORE, Movant requests that the Order granting the relief requested in the motion be signed and entered forthwith.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on the following date at ______________________, California.

Dated:

____
Type Name of Declarant

____
Signature of Declarant

January 1989 This form is optional. It has been approved for use by the United States Bankruptcy Court for the Central District of California. **440**

Attorney or Party Name, Address and Telephone Number *Attorney for*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	
Plaintiff(s), vs. Defendant(s).	CHAPTER _____ CASE NUMBER
	ADVERSARY NUMBER
	DATE: TIME: CTRM:

JOINT STATUS REPORT
LOCAL BANKRUPTCY RULE 121(1)(b)

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

The parties submit the following JOINT STATUS REPORT in accordance with Local Bankruptcy Rule 121(1)(b):

A. **PLEADINGS / SERVICE:**

1. Have all parties been served? ☐ Yes ☐ No
2. Have all parties filed and served Answers to the Complaint and/or Counter-Complaint? ☐ Yes ☐ No
3. Is this case at issue as to all parties and as to all causes of action? ☐ Yes ☐ No
4. If your answer to any of the three preceeding questions is anything other than an unqualified "YES", then please explain below:

(Continued on next page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

B. DISCOVERY:

1. What discovery has been *completed*?

Plaintiff	Defendant

2. What discovery is *pending*?

Plaintiff	Defendant

3. What problems, if any, have arisen with regard to discovery?

Plaintiff	Defendant

4. What additional discovery is required to prepare for trial and what is the schedule for completion thereof?

Plaintiff	Defendant

5. When do you *reasonably* expect to have completed discovery? (If more than 60 days, state reasons.)

Plaintiff	Defendant

C. TRIAL TIME:

1. How many witnesses do you intend to call at trial?

Plaintiff	Defendant

2. How many *declarations* (in lieu of live testimony) do you intend to introduce at trial?

Plaintiff	Defendant

3. How many *depositions* do you intend to introduce at trial?

Plaintiff	Defendant

4. How many *exhibits* do you intend to introduce at trial?

Plaintiff	Defendant

(Continued on next page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

5. Do you wish the Court to take judicial notice of certain facts at time of trial in accordance with Evidence Rule 201? (If your answer is YES, a separate Request for Judicial Notice must be timely filed.)

Plaintiff	Defendant
☐ Yes ☐ No	☐ Yes ☐ No

6. What is your estimate of the time required to try this case?

Plaintiff	Defendant

D. EVIDENTIARY PROBLEMS:

1. Do you anticipate objecting to the admission of any documents referred to in Section C above?

Plaintiff	Defendant
☐ Yes ☐ No	☐ Yes ☐ No

2. If "YES", specify the evidence to which you object and the bases of your objections:

Plaintiff	Defendant

3. Have both counsel discussed said objections? ☐ Yes ☐ No

4. Have counsel discussed the possibility of stipulations to facts in lieu of offering exhibits into evidence at trial?
☐ Yes ☐ No

E. SETTLEMENT:

1. When did counsel / parties last discuss settlement of this case?

2. What is the status of settlement efforts?

3. Would a settlement conference be of any assistance in achieving settlement at this time? ☐ Yes ☐ No
If not, why not?

(Continued on next page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

4. If a settlement conference is requested, designate those whom all counsel accept to preside at the conference. (You may choose more than one alternative.)

	Plaintiff	Defendant
a. Trial Judge:	☐ Yes ☐ No	☐ Yes ☐ No
b. Other Central District Judge: *(Specify preference by name)*		
c. Bar Association Mediator:	☐ Yes ☐ No	☐ Yes ☐ No
d. Other *(specify)*:		

F. **READINESS FOR TRIAL:**

1. When will you be ready for trial in this case?

Plaintiff Defendant

2. If your answer to the above question is more than four (4) months after the Summons issued in this case, give reasons for further delay:

Plaintiff Defendant

3. Proposed date for Trial:

Plaintiff Defendant

G. **PRE-TRIAL CONFERENCE:**

1. Do you request a Pre-Trial Conference?

Plaintiff	Defendant
☐ Yes ☐ No	☐ Yes ☐ No

2. If "YES", when do you suggest the Conference take place in relation to the trial date?

Plaintiff	Defendant
_____ Days before Trial	_____ Days before Trial

3. Specify your reasons for the previous answer and state preferred dates for such a Conference:

Plaintiff Defendant

(Continued on next page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

H. **ADDITIONAL COMMENTS / RECOMMENDATIONS RE TRIAL:**
(Use additional page if necessary)

Respectfully submitted,

Dated:

____
Firm Name

By: ______________________

Name: ______________________

Attorney for: ______________________

Dated:

____
Firm Name

By: ______________________

Name: ______________________

Attorney for: ______________________

Attorney or Party Name, Address and Telephone Number Attorney for	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: Debtor.	
Plaintiff(s), vs. Defendant(s).	CHAPTER ____ CASE NUMBER
	ADVERSARY NUMBER
	DATE: TIME: CTRM:

STATUS CONFERENCE AND SCHEDULING ORDER PURSUANT TO LOCAL BANKRUPTCY RULE 121(1)(c)

1. A Status Conference took place as follows:

a. Date: b. Time: c. Courtroom: d. Judge:

e. ☐ Plaintiff present in Court *(Name)*:
f. ☐ Attorney for Plaintiff present in Court *(Name)*:
g. ☐ Defendant present in Court *(Name)*:
h. ☐ Attorney for Defendant present in Court *(Name)*:
i. ☐ Other parties and counsel present as reflected in the Court record

2. This matter is disposed of as follows:

a. ☐ Continued to the following date for a further Status Conference: *Date:* *Time:*

b. ☐ Joint Status Report due on *(specify date)*:

c. ☐ The last day to join other parties and to amend pleadings is *(specify date)*:

d. ☐ The last day to file pre-trial motions is *(specify date)*:

(This Order is continued on the next page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

e. ☐ The last day to conduct discovery is *(specify date)*:

f. ☐ The Joint Pre-Trial Order is due on *(specify date)*: ☐ No Pre-Trial Order is required

g. ☐ A Pre-Trial Conference is set for *(specify date)*: ☐ No Pre-Trial Conference is required

h. ☐ Estimate of time for trial *(specify number of hours)*:

i. ☐ The Trial is set for: *Date:* *Time:*

j. ☐ Dismissed for failure to appear or prosecute ☐ with prejudice ☐ without prejudice

k. ☐ Notice of next Status Conference or Pre-Trial Conference date is waived

l. ☐ Other *(specify)*:

Dated:

JUDGE OF THE UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ____________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On ______________________________, I served the foregoing document described as: STATUS CONFERENCE AND SCHEDULING ORDER on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ____________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

Type Name

Signature

Attorney or Party Name, Address and Telephone Number *Attorney for Plaintiff or Plaintiff*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	
Plaintiff(s), vs. Defendant(s).	CHAPTER _____ CASE NUMBER ADVERSARY NUMBER (No Hearing Required)

REQUEST FOR ENTRY OF DEFAULT UNDER LOCAL BANKRUPTCY RULE 116

TO THE DEFENDANT, DEFENDANT'S ATTORNEY AND OTHER INTERESTED PARTIES:

1. Name of Defendant against whom default is sought *(Name)*:
2. Plaintiff filed the Complaint in the above-captioned proceeding on *(specify date)*:
3. The Summons and Complaint were served on Defendant by ☐ Personal Service ☐ Mail Service on the following date *(specify date)*:
4. A conformed copy of the completed Return of Summons form is attached hereto.
5. The time for filing an Answer or other response expired on *(specify date)*:
6. No Answer or other response has been filed or served by Defendant.

WHEREFORE, Plaintiff requests that the Clerk of the Court enter the default of Defendant.

Dated:

Respectfully submitted,

____
Firm Name

By: ______________________________

Name: ______________________________
Attorney for Plaintiff or Plaintiff

Default entered on *(specify date)*:

FRANK E. GOODROE
Clerk of the Bankruptcy Court

By: ______________________________
Deputy Clerk

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ______________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On ____________________________________, I served the foregoing document described as: REQUEST FOR ENTRY OF DEFAULT UNDER LOCAL BANKRUPTCY RULE 116 on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ________________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

____
Type Name

____
Signature

Attorney or Party Name, Address and Telephone Number

Attorney for Plaintiff or Plaintiff

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re:

Debtor.

Plaintiff(s),

vs.

Defendant(s).

FOR COURT USE ONLY

CHAPTER ____ CASE NUMBER

ADVERSARY NUMBER

DATE:
TIME:
CTRM:

REQUEST FOR ENTRY OF DEFAULT JUDGMENT UNDER LOCAL BANKRUPTCY RULE 116

TO THE DEFENDANT, DEFENDANT'S ATTORNEY AND OTHER INTERESTED PARTIES:

1. Name of Defendant against whom default judgment is sought *(Name)*:
2. Plaintiff filed the Complaint in the above-captioned proceeding on *(specify date)*:
3. The Summons and Complaint were served on Defendant by ☐ Personal Service ☐ Mail Service on the following date *(specify date)*:
4. A conformed copy of the completed Return of Summons form is attached hereto.
5. The time for filing an Answer or other response expired on *(specify date)*:
6. No Answer or other response has been filed or served by Defendant.
7. The default of Defendant:
   a. ☐ Has not yet been entered, but is hereby requested
   b. ☐ Was entered on *(specify date)*:
8. As proof that Plaintiff is entitled to the relief requested in the Complaint, Plaintiff:
   a. ☐ Attaches the following documents to establish a *prima facie* case:
      (1) ☐ Declaration of *(specify)*:
      (2) ☐ Declaration of *(specify)*:
      (3) ☐ Other *(specify)*:

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In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

8. b. ☐ Relies on the Complaint and documents attached thereto.

9. ☐ As further support for entry of a Default Judgment, Plaintiff submits a Memorandum of Points and Authorities *(Optional)*.

WHEREFORE, Plaintiff prays that this Court enter an Order and Default Judgment in favor of Plaintiff. Copies of the proposed Order and Default Judgment are submitted herewith and have been served.

Dated:

Respectfully submitted,

____
Firm Name

By: ______________________________

Name: ______________________________
Attorney for Plaintiff or Plaintiff

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ____________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On ______________________________, I served the foregoing document described as: REQUEST FOR ENTRY OF DEFAULT JUDGMENT UNDER LOCAL BANKRUPTCY RULE 116 on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ________________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

____
Type Name

____
Signature

Attorney or Party Name, Address and Telephone Number *Attorney for*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	
Plaintiff(s),	CHAPTER _____ CASE NUMBER
vs.	ADVERSARY NUMBER
Defendant(s).	DATE: TIME: CTRM:

ORDER ON REQUEST FOR ENTRY OF DEFAULT JUDGMENT UNDER LOCAL BANKRUPTCY RULE 116

Pursuant to Local Bankruptcy Rule 116, Plaintiff requested entry of a Default Judgment in the above-captioned matter.

THIS COURT FINDS AND ORDERS, AS FOLLOWS:

1. The Complaint was properly served on Defendant.

2. No Answer or other response has been filed.

3. Plaintiff requested entry of a Default Judgment:
   a. ☐ Orally, at the first Status Conference set in this proceeding
   b. ☐ By written Request for Entry of Default Judgment on *(specify date)*:

4. The default of Defendant:
   a. ☐ Has not previously been entered
   b. ☐ Was entered on *(specify date)*:

5. In support of the Request for Entry of Default Judgment, Plaintiff:
   a. ☐ Relied on the Complaint and any documents attached thereto
   b. ☐ Submitted declarations or other evidence
   c. ☐ Submitted a Memorandum of Points and Authorities

(This Order is continued on the next page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

6. ☐ The Request for Entry of Default Judgment is granted.

7. ☐ The Request for Entry of Default Judgment is denied ☐ with prejudice ☐ without prejudice on the following grounds:
   a. ☐ Proof of Service was insufficient
   b. ☐ Plaintiff did not submit proof sufficient to establish a *prima facie* case

8. ☐ A further hearing is scheduled as follows: Plaintiff is required to give notice of the following hearing to the Defendant.
   Date: *Time:*

9. ☐ The Court further orders as follows: ☐ See Attached Page

Dated:

____
JUDGE OF THE UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ____________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On ____________________________________, I served the foregoing document described as: ORDER ON REQUEST FOR ENTRY OF DEFAULT JUDGMENT UNDER LOCAL BANKRUPTCY RULE 116 on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ________________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

____
Type Name

____
Signature

Attorney or Party Name, Address and Telephone Number Attorney for	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	
Plaintiff(s), vs. Defendant(s).	CHAPTER ____ CASE NUMBER ADVERSARY NUMBER DATE: TIME: CTRM:

DEFAULT JUDGMENT

Based on the Defendant's failure to respond to the Complaint,

THIS COURT RENDERS ITS JUDGMENT, AS FOLLOWS:

1. Judgment shall be entered in favor of Plaintiff *(specify name)*:

2. a. ☐ Plaintiff is awarded damages in the following amount: $
   b. ☐ Plaintiff is awarded costs in the following amount: $
   c. ☐ Plaintiff is awarded attorney fees in the following amount: $
   d. ☐ Plaintiff is awarded interest at the rate of _____% per year from the following date to the date of entry of this Judgment *(Specify date from which interest shall begin to run)*:
   e. ☐ Plaintiff is granted the following relief *(specify)*: ☐ See Attached Page

3. ☐ The Court further adjudges and orders as follows: ☐ See Attached Page

Dated:

JUDGE OF THE UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

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In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ______________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On ____________________________________, I served the foregoing document described as: DEFAULT JUDGMENT on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at _______________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

____________________________________ ____

Type Name *Signature*

Attorney or Party Name, Address and Telephone Number *Attorney for*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT **CENTRAL DISTRICT OF CALIFORNIA**	
In re: Debtor.	CHAPTER _____ CASE NUMBER

NOTICE OF HEARING ON APPLICATION FOR PAYMENT OF INTERIM OR FINAL FEES AND/OR EXPENSES UNDER 11 U.S.C. § 331 OR § 330

TO ALL INTERESTED PARTIES: NOTICE IS HEREBY GIVEN that on the following date and time and in the indicated courtroom, the following Applicant(s) will move this Court for an Order approving the attached Fee and/or Expense Application(s):

1. **Applicant Information:** ☐ See attached page for information on additional Applicants
   a. Name of Applicant *(specify)*:
   b. Amount of Fees Requested: $
   c. Amount of Costs Requested: $
   d. Address of Applicant *(specify)*:

(If more than one Applicantion is included in this Notice, attach a separate sheet stating the above information for each Applicant)

2. **Hearing Date:** **Time:** **Courtroom:** **Floor:**

☐ **312 North Spring Street, Los Angeles**
☐ **201 North Figueroa Street, Los Angeles**
☐ **699 North Arrowhead Avenue, San Bernardino**
☐ **300 North Los Angeles Street, Los Angeles**
☐ **34 Civic Center Plaza, Santa Ana**
☐ **222 East Carrillo Street, Santa Barbara**

3. **Deadline for Opposition Papers:** If you wish to object to the Application(s), you must file a written objection with the Bankruptcy Court and serve a copy of it upon the Applicant(s), Debtor's attorney, and Trustee's attorney, if any, no less than five (5) court days prior to the above hearing date. If you fail to file a written objection to the Application(s) within such time period, the Court may treat such failure as a waiver of your right to object to the Application(s) and may approve the Application(s). If you wish to review the full Application(s), you may review the Application(s) on file with the Court or obtain a copy from Applicant(s).

4. **Deadline for Filing Other Professional Fee Applications:** If the above Application(s) are for payment of interim fees, pursuant to Local Bankruptcy Rule 141(3)(b), other professional persons retained pursuant to Court approval may also seek approval of interim fees at this hearing, provided that they file and serve their Applications in a timely manner. Unless otherwise ordered by the Court, hearings on Interim Fee Applications will not be scheduled less than 120 days apart.

FRANK E. GOODROE
Clerk of the Bankruptcy Court

Dated:

By: ______________________________
Deputy Clerk

January 1989 This form is optional. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF ________________ __________

1. I am employed in the County of ____________________________, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

2. On ________________________________, pursuant to Local Bankruptcy Rule 112, I served the document described as: NOTICE OF HEARING ON APPLICATION FOR PAYMENT OF INTERIM OR FINAL FEES AND/OR EXPENSES UNDER 11 U.S.C. § 331 OR § 330 on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ____________________________, California, addressed as set forth below.

3. Parties and addresses upon which service was made:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

____
Type Name

____
Signature

Attorney or Party Name, Address and Telephone Number Attorney for	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: Debtor.	CHAPTER _____ CASE NUMBER
	DATE: TIME: CTRM:

APPLICATION FOR PAYMENT OF:
☐ INTERIM FEES AND/OR EXPENSES (11 USC § 331)
☐ FINAL FEES AND/OR EXPENSES (11 USC § 330)

1. Name of Applicant *(specify)*:

2. Type of Services Rendered:

   a. ☐ Attorney for *(specify)*:
   b. ☐ Accountant for *(specify)*:
   c. ☐ Other Professional *(specify)*:

3. Date of Filing of Petition under Chapter _____ of the Bankruptcy Code:

4. Date of Entry of Order Approving Applicant's Employment:

5. Date of Filing of last Fee and/or Expense Application:

6. Total Fees allowed or paid to Applicant to Date (including Retainers and Prior Approved Fee Applications): $

   a. Retainer Received: $

   b. Retainer Remaining as of the date of this application: $

   c. Total amount requested in all prior applications: $

   d. Total amount actually paid pursuant to prior approved applications: $

   e. Total amount currently due but unpaid pursuant to prior approved applications: $

   f. Total amount allowed but reserved pending final fee application: $

(Continued on Next Page)

In re (SHORT TITLE) Debtor.	CHAPTER _____ CASE NUMBER.

7. **Summary of Requested Fees:** *(Attach detailed supporting documentation to this Application)*

	Professional Person's Name	Hourly Rate	x	Total Hours this Person	=	Total Fees this Person
a.		$	x		=	$
b.		$	x		=	$
c.		$	x		=	$
d.		$	x		=	$
e.		$	x		=	$
f.		$	x		=	$
g.		$	x		=	$
h.		$	x		=	$

i. ☐ Continued on Attached Page

8. Bonus requested (final fee applications only): $
(Attach Declaration and Memorandum of Points and Authorities justifying bonus)

9. **TOTAL FEES REQUESTED THIS APPLICATION: $**

10. Total Expenses paid to Applicant to Date (including Retainers and Prior Approved Expense Applications): $

11. **Summary of Requested Expense Reimbursement:** *(Attach detailed supporting documentation to this Application)*

	Type of Expense	Reimbursement Requested this Application
a.		$
b.		$
c.		$
d.		$
e.		$
f.		$
g.		$
h.		$

i. ☐ Continued on Attached Page

12. **TOTAL EXPENSE REIMBURSEMENT REQUESTED THIS APPLICATION: $**

13. Applicant submits the following in support of the Application herein pursuant to Local Bankruptcy Rule 141 *(specify)*:

14. Total Number of attached pages of supporting documentation: ________

15. Applicant declares under penalty of perjury under the laws of the United States of America that the foregoing Application and all attached supporting documentation are true and correct and accurately reflect services rendered and expenses incurred.

16. Executed on the ________ day of ______________________, 19_____, at ______________________________, California.

____
(Type Name of Applicant)

____
(Signature of Applicant)

Attorney or Party Name, Address and Telephone Number *Attorney for*	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: Debtor.	CHAPTER _____ CASE NUMBER
	DATE: TIME: CTRM:

ORDER ON APPLICATION FOR PAYMENT OF:
☐ INTERIM FEES AND/OR EXPENSES (11 USC § 331)
☐ FINAL FEES AND/OR EXPENSES (11 USC § 330)

1. Name of Applicant *(specify)*:

2. This proceeding was heard as follows: ☐ Contested ☐ Uncontested ☐ No Appearance

   a. Date: b. Time: c. Courtroom: d. Judge:

   e. ☐ Applicant present in Court

   f. ☐ Attorney for Applicant present in Court *(Name)*:

   g. ☐ Attorney for U.S. Trustee present in Court

   h. ☐ Other persons present as reflected in the court record

3. Applicant gave the required notice of the Application on *(specify date)*:

4. THE COURT ORDERS, GOOD CAUSE APPEARING:

   a. ☐ Application for Payment of Interim Fees is approved as follows:

      (1) ☐ Total amount allowed: $

      (2) ☐ Amount/percentage authorized for payment at this time:

   b. ☐ Application for Payment of Final Fees is approved in the amount of: $

   c. ☐ Application for Reimbursement of ☐ Interim ☐ Final Expenses is approved and authorized for payment:

      (1) ☐ Total amount allowed: $

(This Order is Continued on the next page)

In re (SHORT TITLE) Debtor.	CHAPTER ____ CASE NUMBER:

d. (1) ☐ Application Denied ☐ in Full ☐ in Part ☐ without Prejudice ☐ with Prejudice

(2) Grounds for Denial *(specify)*:

e. ☐ The Court further orders *(specify)*:

Dated:

JUDGE OF THE UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF ____________________

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

On ______________________________, I served the foregoing document described as: ORDER ON APPLICATION FOR PAYMENT OF INTERIM OR FINAL FEES AND/OR EXPENSES on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at ______________________, California, addressed as follows:

☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated:

Type Name

Signature